

THURSDAY, MAY 25, 1995

FORTY-FIFTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Herbert M. Turner, United Church of Christ, Murfreesboro, Tennessee.

Representative Eckles led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 366:** Rep(s). Jones U(Shelby), Odom, Pruitt, Armstrong, Halteman Harwell, DeBerry L, West, Bowers, Ridgeway, Naifeh, Chumney, Arriola and Langster as prime sponsor(s).

**House Joint Resolution No. 367:** Rep(s). Hargrove, Bell and Rhinehart as prime sponsor(s).

**House Bill No. 6:** Rep(s). Davis as prime sponsor(s).

**House Bill No. 554:** Rep(s). Head, Davidson, Hassell, West, and Brooks as prime sponsor(s).

**House Bill No. 1213:** Rep(s). Kent and Cole(Carter) as prime sponsor(s).

MESSAGE FROM THE SENATE

May 25, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 228, 253, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282 and 283; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 228** -- Highway Signs -- Tomberlain Bridge, I840 and Sulfur Springs Road. by \*Womack.

**\*Senate Joint Resolution No. 253** -- Highway Signs -- "Joseph G. Taylor Highway," S.R. 76 from Brownsville to I-40. by \*Wilder.

**\*Senate Joint Resolution No. 269** -- General Assembly, Statement of Intent or Position -- Endorses concept of designating S.R. 269 in Bedford County as scenic highway upon two-thirds vote of Bedford County Commission approving such action. by \*Womack.

**Senate Joint Resolution No. 270** -- Memorials, Interns -- James Randolph Schmidt. by \*Kyle.

**Senate Joint Resolution No. 271** -- Memorials, Retirement -- Beverly Ann Durham. by \*Womack.

**Senate Joint Resolution No. 272** -- Memorials, Interns -- Rebecca Kimbrell. by \*Wilder.

**Senate Joint Resolution No. 273** -- Memorials, Interns -- Curtis G. Troutt. by \*O'Brien.

**Senate Joint Resolution No. 274** -- Memorials, Public Service -- Roy O. Vaughn, Sr. by \*Crutchfield.

**Senate Joint Resolution No. 275** -- Memorials, Interns -- April Weekley. by \*Haun.

**Senate Joint Resolution No. 276** -- Memorials, Public Service -- Margaret Ruth Blackshear. by \*Crutchfield.

**Senate Joint Resolution No. 277** -- Memorials, Professional Achievement -- Metropolitan Nashville Police Department, accreditation from Commission on Accreditation for Law Enforcement Agencies. by \*Haynes.

**Senate Joint Resolution No. 278** -- Memorials, Retirement -- Mary Elliott, Director of the Donelson Station Senior Citizen Center. by \*Haynes.

**Senate Joint Resolution No. 279** -- Memorials, Public Service -- Gordon L. Davenport, UTC Alumni Council 1995 Outstanding Service Award. by \*Crutchfield.

**Senate Joint Resolution No. 280** -- Memorials, Personal Occasion -- Don and Bessie McCracken Leonard, 50th wedding anniversary. by \*Crowe.

**Senate Joint Resolution No. 281** -- Memorials, Professional Achievement -- Rogersville Review. by \*Wallace.

**Senate Joint Resolution No. 282** -- Memorials, Interns -- Barry Jackson. by \*Cohen.

**Senate Joint Resolution No. 283** -- Memorials, Interns -- Sondra Keys. by \*Cohen.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for May 25, 1995 or referred to the appropriate Committee:

**House Resolution No. 116** -- Naming and Designating - Juneteenth -- National African American Freedom Day. by Brooks.

Held on House Desk

**House Joint Resolution No. 307** -- Naming and Designating - "Volunteer 200 Day," June 1, 1995. by \*Fowlkes, \*McKee, \*Coffey, \*Williams (Union), \*Windle, \*Hargrove, \*McDonald, \*Stamps, \*Lewis, \*Arriola, \*Odom, \*Callicott, \*Williams (Williamson), \*Davidson, \*Head, \*Rinks, \*Kernell, \*Hassell.

**House Joint Resolution No. 362** -- Naming and Designating - "Management Week," June 4-10, 1995. by \*Lewis.

**House Joint Resolution No. 321** -- Highway Signs - "Dr. Glenn C. Shultz Memorial Bridge," State Highway 52, Cosby. by \*Davis, \*McAfee, \*McDaniel.

**House Joint Resolution No. 365** -- Memorials, Professional Achievement - Harriet Semmes Alexander, 1995 Frances Neel Cheney Award. by \*Kernell.

**House Joint Resolution No. 366** -- Memorials, Sports - 1994-1995 Tennessee State University women's basketball team. by \*Langster, \*Armstrong, \*Purcell, \*Arriola, \*Odom, \*Halteman Harwell, \*Pruitt, \*West, \*Ridgeway, \*Naifeh, \*Bowers, \*Chumney, \*DeBerry L, \*Jones U (Shelby).

**SENATE JOINT RESOLUTIONS**  
**(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for May 25, 1995:

**Senate Joint Resolution No. 270** -- Memorials, Interns - James Randolph Schmidt. by \*Kyle, \*Cohen.

**Senate Joint Resolution No. 271** -- Memorials, Retirement - Beverly Ann Durham. by \*Womack.

**Senate Joint Resolution No. 272** -- Memorials, Interns - Rebecca Kimbrell. by \*Wildner, \*Cohen.

**Senate Joint Resolution No. 273** -- Memorials, Interns - Curtis G. Troutt. by \*O'Brien.

**Senate Joint Resolution No. 274** -- Memorials, Public Service - Roy O. Vaughn, Sr. by \*Crutchfield.

Senate Joint Resolution No. 275 -- Memorials, Interns - April Weekley. by \*Haun.

Senate Joint Resolution No. 276 -- Memorials, Public Service - Margaret Ruth Blackshear. by \*Crutchfield.

Senate Joint Resolution No. 277 -- Memorials, Professional Achievement Metropolitan Nashville Police Department, accreditation from Commission on Accreditation for Law Enforcement Agencies. by \*Haynes, \*Rochelle, \*Harper, \*Henry.

Senate Joint Resolution No. 278 -- Memorials, Retirement - Mary Elliott, Director of the Donelson Station Senior Citizen Center. by \*Haynes.

Senate Joint Resolution No. 279 -- Memorials, Public Service - Gordon L. Davenport, UTC Alumni Council 1995 Outstanding Service Award. by \*Crutchfield.

Senate Joint Resolution No. 280 -- Memorials, Personal Occasion - Don and Bessie McCracken Leonard, 50th wedding anniversary. by \*Crowe.

Senate Joint Resolution No. 281 -- Memorials, Professional Achievement - Rogersville Review. by \*Wallace.

Senate Joint Resolution No. 282 -- Memorials, Interns - Barry Jackson. by \*Cohen.

Senate Joint Resolution No. 283 -- Memorials, Interns - Sondra Keys. by \*Cohen.

#### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

Senate Bill No. 1102 -- Bond Issues - Authorizes issuance of \$100 million bond issue for general government purposes. by \*Crutchfield.

\*Senate Bill No. 1733 -- Election Laws - Eliminates separate provisions for appointment of election precinct registrars and assistants for Shelby County; eliminates special provisions for filling vacancy caused by death or resignation of precinct registrar. Amends TCA 2-12-202, 206. by \*Dixon.

\*Senate Bill No. 1821 -- Bond Issues - Authorizes \$140,800,000 bond issue to fund state projects. by \*Henry, \*McNally, \*Atchley, \*Elsea, \*Wilder.

Senate Bill No. 1840 -- Municipal Government - Permits real property owners to vote in city elections in Collinwood. Amends TCA 6-20-106. by \*Wilder.

#### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1939 -- Kingsport -- Local Bill Held on House Desk.**

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 25, 1995**: House Bill(s) No(s). 905, 882, 985, 1334 and 1388.

The Committee set the following bills on the **Regular Calendar** for **May 25, 1995**: House Joint Resolution(s) No(s). 307, 362 and 321.

**MESSAGE FROM THE SENATE  
May 25, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1920, 1923, 1929, 1931 and 1933; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 1920 -- Hamilton County - Subject to local approval, authorizes service of process in civil cases in general sessions court to be issued as provided by Rules 4 and 5 of TRCP. by \*Fowler.**

**Senate Bill No. 1923 -- Humboldt - Subject to local approval, establishes terms and makeup of school board members in accordance with general law. Amends Chapter 77 of the Private Acts of 1913 (First Extraordinary Session), as amended. by \*Carter.**

**Senate Bill No. 1929 -- Kingsport - Subject to local approval, establishes Northeast Tennessee Corridor Overlay. by \*Holcomb.**

**Senate Bill No. 1931 -- Spencer - Increases term of the mayor; increases compensation of mayor and aldermen. Amends Chapter 179 of the Private Acts of 1923. by \*Elsea.**

**Senate Bill No. 1933 -- Gibson County - At the request of Gibson County Special School District, authorizes issuance of refunding bonds and pledge of available revenues to pay same. by \*Carter.**

**CONSENT CALENDAR**

**House Bill No. 1932 -- Humboldt - Subject to local approval, establishes terms and makeup of school board members in accordance with general law. Amends Chapter 77 of the Private Acts of 1913 (First Extraordinary Session), as amended. by \*Phelan(SB1923 by \*Carter).**

On motion, House Bill No. 1932 was made to conform with **Senate Bill No. 1923**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1940 -- Ripley -- Subject to local approval, revises charter relative to voting qualifications for nonresident property owners, city marshal and/or election by board of other city**

officers and/or agents, and election of city judge. Amends Chapter 223 of the Acts of 1901, as amended. by \*Fitzhugh(SB1928 by \*Leatherwood).

**House Bill No. 1941** -- Spencer - Increases term of the mayor; increases compensation of mayor and aldermen. Amends Chapter 179 of the Private Acts of 1923. by \*Rhinehart(SB1931 by \*Elsea).

On motion, House Bill No. 1941 was made to conform with **Senate Bill No. 1931**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1943** -- Lafayette - Subject to local approval, revises charter. Amends Chapter 325 of the Private Acts of 1945, as amended. by \*Buck, \*Winningham(SB1932 by \*Burks).

**House Bill No. 1944** -- Gibson County - At the request of Gibson County Special School District, authorizes issuance of refunding bonds and pledge of available revenues to pay same. by \*Phelan(SB1933 by \*Carter).

On motion, House Bill No. 1944 was made to conform with **Senate Bill No. 1933**; the Senate Bill was substituted for the House Bill.

**\*House Resolution No. 69** -- General Assembly, Studies - Creates joint committee to study granting of immunity to school volunteers. by \*Boyer, \*Newton, \*Bird, \*Westmoreland, \*Windle, \*Peach, \*Williams (Williams), \*Stamps, \*McMillan.

**House Joint Resolution No. 358** -- Naming and Designating-- "Native American Indian Month," October. by \*Head.

**House Resolution No. 141** -- General Assembly, Studies - Continues Special Legislative Task Force on Adolescent Development. by \*DeBerry L.

**House Bill No. 1915** -- Highways, Roads and Bridges - Removes provision relative to placement of county highway department and highway garage in Tipton County. Repeals TCA 5-7-105(b). by \*Naifeh(\*SB1901 by \*Leatherwood).

**House Resolution No. 128** -- Memorials, Recognition and Thanks - 92nd Legislative District on National Freedom Day. by \*Brooks.

**House Resolution No. 142** -- Memorials, Interns -- Coley Wayne Jackson. by \*Beavers.

**House Resolution No. 143** -- Memorials, Academic Achievement - Glencliff High School, state champions of "We the People" competition. by \*Arriola.

**House Resolution No. 144** -- Memorials, Recognition and Thanks- Mississippi Boulevard Christian Church and Dr. Alvin O'Neal Jackson. by \*DeBerry J, \*Jones R (Shelby), \*Turner (Shelby), \*Miller L, \*Bowers, \*Jones U (Shelby), \*Chumney.

**House Resolution No. 145** -- Memorials, Recognition and Thanks- Metropolitan Baptist Church and Dr. Fred C. Lofton. by \*DeBerry J, \*Jones R (Shelby), \*Brooks, \*Turner (Shelby), \*Jones U (Shelby), \*Bowers, \*Miller L, \*Byrd, \*Chumney.

**House Joint Resolution No. 359** -- Memorials, Death - Beatrice Sadler Roddy. by \*Cantrell.

**House Joint Resolution No. 360** -- Memorials, Retirement - Glenn Shivers, Principal of McEwen School. by \*Peach.

**House Joint Resolution No. 361** -- Memorials, Academic Achievement - Erika Lewis, Coffee County High School graduate. by \*Lewis.

**House Joint Resolution No. 364** -- Memorials, Retirement-Lester Eugene Trotter, Williamson County High School. by \*Peach.

**Senate Joint Resolution No. 246** -- Memorials, Retirement - Jim McNamee, track coach, Oak Ridge High School. by \*McNally.

**Senate Joint Resolution No. 247** -- Memorials, Retirement - Margaret Gordon Taylor. by \*Kyle.

**Senate Joint Resolution No. 248** -- Memorials, Recognition and Thanks - Reece Cole, Citizens Commission on Government Officials' Compensation. by \*Wilder, \*Kyle.

**Senate Joint Resolution No. 249** -- Memorials, Recognition and Thanks - Milton E. Fletcher, Citizens Commission on Government Officials' Compensation. by \*Wilder, \*Kyle.

**Senate Joint Resolution No. 250** -- Memorials, Recognition and Thanks - Steven Priddy, Citizens Commission on Government Officials' Compensation. by \*Wilder, \*Kyle.

**Senate Joint Resolution No. 251** -- Memorials, Recognition and Thanks - Patricia Wright, Citizens Commission on Government Officials' Compensation. by \*Wilder, \*Kyle.

**Senate Joint Resolution No. 252** -- Memorials, Recognition and Thanks - Bucky Kahl, Citizens Commission on Government Officials' Compensation. by \*Wilder, \*Kyle.

**Senate Joint Resolution No. 255** -- Memorials, Interns - Fredrick Benard Booker. by \*Dixon.

**Senate Joint Resolution No. 256** -- Memorials, Interns - Mary Ellen Coleman. by \*Womack.

**Senate Joint Resolution No. 257** -- Memorials, Interns - John Hardin. by \*Womack.

**Senate Joint Resolution No. 260** -- Memorials, Retirement - Eleanor Drake Mitchell, Putnam County Board of Education. by \*Burks.

**Senate Joint Resolution No. 261** -- Memorials, Interns - Janet Harris. by \*Burks.

**Senate Joint Resolution No. 262** -- Memorials, Interns - Raegan Lynn Lambert. by \*Person.

**Senate Joint Resolution No. 263** -- Memorials, Interns - Kevin Andrew Gallagher. by \*Person.

**Senate Joint Resolution No. 264** -- Memorials, Public Service - Anna Brown Alexander. by \*Haynes, \*Harper.

**Senate Joint Resolution No. 265** -- Memorials, Interns - Roy J. Roberts. by \*Gilbert.

**Senate Joint Resolution No. 268** -- Memorials, Sports - Friendship Christian School softball team. by \*Rochelle.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on the Consent Calendar and have this statement entered in the Journal: Rep(s). Wood and Sharp.

#### RULES SUSPENDED

Rep. Purcell moved to suspend the rules for the immediate consideration of the Message Calendar, out of order, which motion prevailed.

#### MESSAGE CALENDAR

##### HOUSE ACTION ON SENATE MESSAGE

\***Senate Bill No. 1820** -- Appropriations - Makes appropriations to defray expenses of state government for fiscal year



beginning July 1, 1995. by \*Henry, \*McNally, \*Atchley, \*Elsea, \*Wildner, \*Crutchfield(HB1843 by \*Bittle, \*Bragg, \*Davis, \*McDaniel, \*Kisber, \*Head, \*Walley, \*Kent, \*Cole (Carter), \*Wood, \*Gunnels, \*Rhinehart, \*Williams (Union), \*Whitson, \*Coffey, \*Ford S, \*Sharp, \*Venable, \*Davidson, \*DeBerry L, \*Jones U (Shelby), \*Turner (Shelby), \*Jones R (Shelby), \*Miller L, \*Boyer, \*Cantrell, \*Rinks, \*Westmoreland, \*Callicott, \*McAfee, \*Ramsey, \*McKee, \*Kerr, \*Dunn, \*Newton, \*Huskey, \*Winningham, \*Haley, \*Cole (Dyer), \*Langster).

Rep. Bittle moved that the House refuse to recede from its action in adopting House Amendment(s) No(s). 1 and 3 to **Senate Bill No. 1820**, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 1195** -- Health - Establishes central immunization registry; provides free vaccines for immunizing children, born after 1/1/96, through first 24 months of life. Amends TCA Title 37, Chapter 10, Part 4. by \*Purcell, \*Turner (Hamilton), \*Bragg, \*Chumney, \*Givens, \*Armstrong, \*DeBerry L, \*Whitson, \*Duer, \*Brown, \*DeBerry J, \*Boyer, \*Langster, \*Ridgeway, \*Kisber, \*Cross, \*Burchett, \*Patton, \*Ford S, \*Pruitt, \*Lewis(SB1520 by \*Harper, \*Person, \*Dixon, \*Crutchfield, \*Rice, \*Elsea, \*Rochelle, \*Jordan, \*Henry, \*Springer).

#### Senate Amendment No. 3

AMEND House Bill No. 1195 by adding the following language at the end of the amendatory language of Section 1(b):

If an administration fee is charged by a health provider receiving this vaccine, such fee may not exceed the administration fee established by the Health Care Financing Administration under the Vaccines for Children

Program established in the Omnibus Budget Reconciliation Act of 1993. No immunization may be withheld due to a family's inability to pay the fee.

#### Senate Amendment No. 4

AMEND House Bill No. 1195 by deleting in Section 1(c) the word and numerals "July 1, 1998" and substituting the word and numerals "January 1, 1996".

#### Senate Amendment No. 5

AMEND House Bill No. 1195 by adding a new section to be appropriately designated:

Section \_\_\_\_\_. The Commissioner of Health shall report to the members of the House Health and Human Resources Committee, the Senate General Welfare Committee, the Select Joint Committee on Children and Youth, and the TennCare Oversight Committee by March 1 of each year on the immunization rates in each county of this state and improvements or changes made during the preceding year.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 3, 4 and 5 to **House Bill No. 1195**, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 521** -- Tennessee Housing Development Agency - Permits transfer of excess funds in housing program reserve to fund operating costs, bond purchases, and to make grants; authorizes transfer when funds exceed \$15 million; imposes \$2 million limit; exempts funds received from federal government from limits. Amends TCA Title 13, Chapter 23, Part 4. by \*Purcell, \*Head, \*Kisber, \*Rinks, \*Hargrove, \*Chumney, \*Ridgeway, \*Turner (Hamilton), \*Kent, \*Cole (Carter) (SB817 by \*Dixon, \*Wallace, \*Crutchfield, \*Womack, \*Miller J, \*Rice, \*Leatherwood, \*Koella, \*Hamilton, \*Holcomb, \*Haynes, \*Person, \*Ford J, \*Harper, \*Rochelle, \*Wilder, \*O'Brien, \*Burks, \*Cooper, \*Henry, \*McNally, \*Jordan, \*Cohen, \*Kyle, \*Gilbert, \*Haun, \*Crowe, \*Carter).

#### Senate Amendment No. 1

AMEND House Bill No. 521 by adding the following as new language preceding the last sentence of the amendatory language added by Section 1:

Provided, however, no such funds transferred shall be used to finance or fund any multifamily rental projects

#### Senate Amendment No. 2

AMEND House Bill No. 521 by deleting the first two sentences of the amendatory language added by Section 1 and by substituting instead the following:

Up to two million dollars (\$2,000,000) per year may be transferred from the housing program reserve fund to the housing program fund for the purposes specified in Section 13-23-403(a).

Senate Amendment No. 3

AMEND House Bill No. 521 by adding the following at the end of amendatory subsection (b) of Section 1:

In addition to the purposes specified in Section 13-23-403(a), the transfer authorized in this subsection is subject to the further limitation that it may be used only to support a pilot project to create, revitalize and preserve neighborhoods in up to three (3) urban areas and up to three (3) rural areas of the state. The pilot program shall exist only for three (3) years, through the end of the 1998-1999 fiscal year. The board shall report annually to the general assembly on the progress and success of the pilot program.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1, 2 and 3 to **House Bill No. 521**, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

**House Bill No. 1479** -- Public Service Commission - Prohibits candidates for PSC from accepting contributions for primary or general elections from regulated businesses. Amends TCA 3-6-112. by \*Kisber, \*Tindell, \*Hassell, \*Bragg, \*Winningham, \*Rhinehart, \*Byrd, \*Pinion, \*Odom, \*Turner (Hamilton), \*Cole (Carter), \*Venable, \*DeBerry L, \*Turner (Shelby), \*Miller L, \*Eckles, \*Burchett, \*McMillan, \*Jackson, \*Givens, \*Beavers, \*Lewis(\*SB895 by \*Henry, \*Haynes, \*Person, \*Rice, \*Cohen, \*Ford J, \*Crowe).

Rep. Kisber moved that **House Bill No. 1479** be re-referred to the Calendar and Rules Committee, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENT

**House Bill No. 1136** -- Pharmacy - Requires containers of prescription drugs to state generic name of the drug actually dispensed as well as brand name of drug for which substitution made. Amends TCA Title 53, Chapter 10, Part 2; Title 63, Chapter 10, Part 2. by \*Hassell(\*SB1483 by \*Person, \*Cohen).

**Senate Amendment No. 2**

AMEND House Bill No. 1136 Amend by adding a new section:

Tennessee Code Annotated Section 63-10-210(c), is amended by designating the existing language as subdivision (1) and by adding the following new subdivision:

(2) Notwithstanding any rule or regulation to the contrary, a pharmacy which was established before June 6, 1945, and which serves food and which has continuously had a soda fountain, may allow a customer to go through the pharmacy area to the restroom, and not be required to have a gate or door separate the pharmacy from the restroom or other parts of the establishment.

Rep. Hassell moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1136**, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	1
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Hargrove -- 1.

Representatives present and not voting were: Odom -- 1.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENT**

**\*House Bill No. 655** -- Advertising - Lowers permissible maximum sign size on scenic highways from 100 to 90 square feet. Amends TCA Title 54, Chapter 17. by \*Bragg, \*Buck, \*Pinion, \*Ridgeway, \*Cross(SB1346 by \*Burks, \*Womack).

Senate Amendment No. 7

AMEND House Bill No. 655 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ The provisions of this act shall only apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than	nor more than
118,400	118,700
15,900	16,200
14,300	14,450
14,100	14,250
10,100	10,470

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 7 to **House Bill No. 655**, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

**House Bill No. 631** -- Agriculture - Enacts "Agricultural District and Farmland Preservation Act." Amends TCA Title 43. by \*Givens, \*Davidson, \*Head, \*Newton, \*Roach, \*Ford S, \*Walley, \*McDonald, \*Curtiss, \*Hargrove, \*Callicott, \*Stulce, \*Fowlkes, \*Williams (Union) (\*SB512 by \*Haun, \*Holcomb, \*Atchley, \*Elsea, \*Fowler, \*Gilbert, \*Hamilton, \*Jordan, \*Koella, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Rice, \*Wright, \*Carter).

Rep. Givens requested that House Bill No. 631 be moved down five places on the Calendar, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

**\*Senate Bill No. 1340 --** Repeals parental notification; revives and reenacts parental consent to perform abortion on minor. Amends TCA 37-10-303; 39-15-202. by \*Burks, \*Fowler, \*Rice, \*Miller J, \*Leatherwood, \*Holcomb, \*Henry, \*Person(HB1729 by \*Jackson, \*McDaniel, \*Wood, \*McAfee, \*Duer, \*Peach, \*Byrd, \*Callicott, \*Burchett, \*Newton, \*Joyce, \*Stamps, \*Walley, \*Shirley, \*Haley, \*Ramsey, \*Dunn, \*Boyer, \*Beavers, \*Roach, \*Odom, \*Herron, \*Ford S).

Rep. Jackson moved that Senate Bill No. 1340 be reset to the Message Calendar after Recess, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENT

**\*House Bill No. 1213 --** Insurance, Health, Accident - Mandates insurance coverage for high dose chemotherapy in cases of breast cancer, multiple myeloma, and ovarian cancer, if deemed appropriate by attending physician. Amends TCA Titles 56, 68, 71. by \*Jackson, \*Chumney, \*Hassell, \*Lewis, \*Rigsby, \*Hargrove(SB1523 by \*O'Brien, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright).

Rep. Rhinehart requested that House Bill No. 1213 be moved to the heel of the Calendar, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 1384 --** Corporations, Not for Profit - Requires payments to board members of medical and hospital service plans for professional services to be reported to secretary of state, such reports to be maintained for three years. Amends TCA Titles 48, 56. by \*DeBerry L(\*SB1517 by \*Ford J).

#### Senate Amendment No. 1

AMEND House Bill No. 1384 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 48-2-102(6), is amended by inserting between the comma following the word "discretion" and the word "or" the language "a pension or profit-sharing plan, an institutional buyer (as the commissioner may further define by rule)".

#### Senate Amendment No. 2

AMEND House Bill No. 1384 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 56-29-105(d), is amended by designating the existing language as (d)(1), and by adding the following language to be designated as follows:

(2) Each director shall identify and report any conflict of interest the director has due to serving as a member of the board. The written report must be filed annually with the Secretary of State by January 10th.

(3) Each director must fully disclose and report all income received from any corporation, partnership or other business interest that transacts business with or receives funds from a hospital and medical service corporation organized and governed under this chapter.

(4) The board of directors of any corporation organized and governed by this chapter shall collectively represent the customers served by such corporation.

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. DeBerry L moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 1384**, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENT

\***House Bill No. 111** -- Employees, Employers - Increases maximum fee from \$250 to \$300 applicant for initial staff leasing company license may be charged. Amends TCA Title 62, Chapter 43, Part 1. by \*Rinks, \*West(SB189 by \*Springer).

**Senate Amendment No. 2**

AMEND House Bill No. 111 by adding the following sentence to the end of Section 23:

This section restates the intent of the General Assembly with regard to the basis for taxation of staff leasing companies in effect prior to the effective date hereof.

Rep. Rinks moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 111**, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 960** -- Correctional Programs - Increases size of work release commission from three to maximum of 12; authorizes three person panels; makes sheriff rather than county executive appointing authority. Amends TCA 41-2-134(c). by \*Halteman Harwell(\*SB282 by \*Harper, \*Haynes, \*Rochelle).

**Senate Amendment No. 2**

AMEND House Bill No. 960 by deleting all of the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 41-2-134, is amended by deleting subsection (c) and substituting instead the following:

(c)(1) In any county having a metropolitan form of government and a population of more than five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census, the commission shall be composed of not more than twelve

(12) members nor less than three (3) members, who shall meet as three (3) member panels for the purpose of reviewing and approving applications for work release.



(2) In other counties, the commission shall be composed of three (3) members.

(3) In all counties:

(A) The sheriff or workhouse superintendent shall appoint the members of the commission subject to the approval of the county legislative body;

(B) Each member shall serve a four (4) year term; and

(C) A person appointed to fill a vacancy shall serve for the remainder of the unexpired term.

SECTION 2. This act shall take effect June 1, 1995, the public welfare requiring it.

Rep. Halteman Harwell moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 960**, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigbsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 960 and have this statement entered in the Journal: Rep(s). Peach and Ford.

#### HOUSE ACTION ON SENATE AMENDMENT

**\*House Bill No. 1815** -- Youth Development, Dept. of - Defines as "state employee" contract secured employee of department of youth development solely to extent such employee is permitted to drive state vehicle for the purpose of transportation of juveniles. Amends TCA 8-42-101(3)(A). by \*Davis, \*Williams (Union), \*Haley, \*Kerr, \*Peach, \*Coffey, \*Kent, \*Newton, \*Roach, \*Duer, \*Cantrell, \*Boyer, \*Beavers,

\*Bird, \*Patton, \*Wood, \*Clabough(SB1804 by \*Haun, \*Atchley, \*McNally, \*Elsea, \*Hamilton).

**Senate Amendment No. 1**

AMEND House Bill No. 1815 by deleting the language " security" and by substituting instead the language " secured" each time it appears in the printed bill.

Rep. Williams(Union) moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1815**, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 631** -- Agriculture - Enacts "Agricultural District and Farmland Preservation Act." Amends TCA Title 43. by \*Givens, \*Davidson, \*Head, \*Newton, \*Roach, \*Ford S, \*Walley, \*McDonald, \*Curtiss, \*Hargrove, \*Callicott, \*Stulce, \*Fowlkes, \*Williams (Union)(\*SB512 by \*Haun, \*Holcomb, \*Atchley, \*Elsea, \*Fowler, \*Gilbert, \*Hamilton, \*Jordan, \*Koella, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Rice, \*Wright, \*Carter).

Further consideration of House Bill No. 631, previously considered on today's Message Calendar.

Rep. Givens moved that House Bill No. 631 be reset to the Message Calendar after Recess, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1784** -- Planning, Public - Abolishes state planning office; transfers statutory responsibilities of office and director to executive department or other state agencies. Amends or repeals TCA Titles 4, 9, 13, 64, 68. by \*Bittle, \*Kerr, \*Clabough, \*Bird, \*Haley, \*Williams (Union), \*Westmoreland, \*Boyer, \*Patton, \*Kent, \*Newton, \*Duer, \*Hicks, \*Cantrell, \*Beavers, \*Sharp, \*Ford S, \*Roach, \*Wood(SB1773 by \*Rice, \*Atchley, \*Miller J, \*Elsea, \*Carter, \*Haun, \*McNally, \*Person).

**Senate Amendment No. 4**

AMEND House Bill No. 1784 by adding the following language to Section 13-4-101(b) between " (34,500)" and " both" :

; or any municipality, which is incorporated pursuant to the provisions of Title 6, Chapter 18, and located within a county having a charter form of government upon approval of the local legislative body;

Rep. Haley moved that the House non-concur in Senate Amendment(s) No(s). 4 to **House Bill No. 1784**, which motion prevailed.

**Senate Amendment No. 3**

AMEND House Bill No. 1784 by inserting the following new sections immediately preceding the last section and by renumbering the subsequent sections accordingly:

Section \_\_. Tennessee Code Annotated, Section 13-3-101, as amended by 1995 Public Chapter 98, is amended by adding the following as subsection (I)(7):

(i)(7) In the event that a county and a municipality or municipalities lying within such county, pursuant to local agreement, statute, or otherwise, participate jointly in a planning region, then members of the planning commission for such a region shall be selected and governed according to the provisions of subsections (c) through (h) above.

Rep. Haley moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 1784.

Rep. Haley requested that House Bill No. 1784 be moved down ten places on today's Calendar, which motion prevailed.

#### HOUSE ACTION ON SENATE MESSAGES

**Senate Bill No. 1504 -- Land, Agricultural and Open Spaces -** Retains greenbelt classification for property which decreases below 15 acre minimum if decrease in acreage is due to eminent domain. Amends TCA Title 67, Chapter 5, Part 10. by \*Jordan, \*Rochelle, \*Wright(\*HB1134 by \*Callicott, \*Head).

#### CONFERENCE COMMITTEE REPORT SENATE BILL NO. 1504

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two Houses on Senate Bill No. 1504 (\*House Bill No. 1134) has met and recommends that the following amendment be adopted:

AMEND Senate Bill No. 1504 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-1008(e)(2), is amended by adding the following sentence at the end of subdivision:

For as long as the landowner continues to own the remaining portion of such parcel and for as long as the landowner's lineal descendants collectively own at least fifty percent (50%) of the remaining portion of such parcel, the remaining portion so owned shall not be disqualified from use value classification under this part solely because it is made too small to qualify as the result of the involuntary proceeding.

SECTION 2. Tennessee Code Annotated, Section 67-5-1008(c)(2), is amended by deleting item (C), and by substituting instead the following:

(C) The capitalization rate shall be determined by dividing total farm real estate interest expense by total farm real estate debt as published for Tennessee by the Tennessee Agricultural Statistics Service or its successor, for the most recent year available. The rate may be adjusted by

no more than one hundred (100) basis points to reflect differences in land classes within a jurisdiction.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply beginning with the 1996 tax year except that Section 1 shall also apply to the 1995 tax year.

Senator Jordan	Representative Callicott
Senator Springer	Representative Davidson
Senator Haun	Representative
Fowlkes	

Rep. Callicott moved that the House adopt the Conference Committee Report on **Senate Bill No. 1504** and be made the action of the House, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE MESSAGE

**Senate Bill No. 1404** -- University of Tennessee - Adds UT Board of Trustees institution faculty member to board of trustees for three year term; rotates representation through system. Amends TCA Title 49, Chapter 9, Part 2. by \*Gilbert, \*Hamilton, \*Wallace, \*Crowe, \*Crutchfield, \*Rochelle, \*Womack, \*Springer, \*Holcomb, \*Rice, \*Person, \*Miller J, \*Cohen(\*HB599 by \*Herron, \*Pinion, \*Armstrong, \*Ritchie, \*Tindell).

Rep. Herron requested that Senate Bill No. 1404 be moved to the heel of the Message Calendar, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENT

\***House Bill No. 20** -- Domestic Violence - Broadens definition of "spousal abuse" to include certain other family members; revises procedures for arrest of person accused of domestic abuse; authorizes seizure of weapons found incident to such arrests. Amends TCA Title 36, Chapter 3; Title 40, Chapter 7. by \*Herron, \*Ridgeway, \*Pinion, \*Curtiss, \*Fitzhugh, \*West, \*Miller L, \*Hassell, \*Tindell, \*DeBerry J, \*Halteman Harwell, \*Lewis, \*Walley, \*Byrd, \*Ford S, \*McMillan, \*Kent,

\*Cole (Carter), \*Williams (Williamson), \*Haley, \*Patton, \*Turner (Hamilton) (SB774 by \*Haynes, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright).

**Senate Amendment No. 3**

AMEND House Bill No. 20 by deleting Section 9 in its entirety and renumbering subsequent sections accordingly.

Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 20**, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 20 and have this statement entered in the Journal: Rep(s). DeBerry, J.

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 134** -- Malpractice, Professional - Enacts "Therapist Sexual Misconduct Victims Compensation Act." Amends TCA Title 29. by \*Herron(SB406 by \*Cohen, \*Jordan).

**Senate Amendment No. 4**

AMEND House Bill No. 134 by deleting in Section 8(a) the words and figures "two (2) years" and by substituting instead the words and figures "one (1) year".

AND FURTHER AMEND by deleting in Section 8(b) the following words and figures:

misconduct " ten (10) years after the date on which the sexual occurred.

figures: and by substituting instead the following words and

sexual three (3) years after the date on which the last misconduct occurred

This amendment would reduce the statute of limitations set out in Amendment 1 from two (2) years to one (1) year and would reduce the maximum time in which an action may be brought from ten (10) years to three (3) years.

Rep. Herron moved that the House non-concur in Senate Amendment(s) No(s). 4 to **House Bill No. 134**, which motion prevailed.

**Senate Amendment No. 5**

AMEND House Bill No. 134 by deleting the directory language of House Amendment No. 3 the language " as amended by House Judiciary Committee Amendment No. 1" and by substituting instead " House Amendment No. 2" .

Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 5 to **House Bill No. 134**, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisher, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

\***House Bill No. 90** -- Lobbying, Lobbyists - Enacts "Lobbying Reform Act of 1995." Amends TCA Title 3, Chapter 6. by \*Kisher, \*Byrd, \*Rinks, \*Hargrove, \*Naifeh, \*DeBerry L., \*Ridgeway, \*Cole (Dyer), \*Lewis, \*Pinion, \*West, \*Turner (Hamilton), \*Bell, \*McDonald, \*White, \*Fitzhugh, \*Purcell, \*Brown, \*Herron, \*McMillan, \*Chumney, \*Haley, \*Ford S., \*Cantrell, \*Bittle, \*Stamps, \*Halteman Harwell, \*Williams (Union), \*McDaniel, \*Ramsey, \*Whitson, \*Beavers, \*Burchett, \*Jones, S., \*Tindell, \*Bragg, \*Cross, \*Winningham, \*Cole (Carter),

\*Kent, \*Fowlkes, \*Eckles, \*Curtiss, \*Odom, \*Callicott, \*Stulce, \*Duer, \*McAfee, \*Boyer, \*Wood, \*Jackson, \*Armstrong, \*Brooks, \*Walley, \*Ritchie, \*Patton(SB80 by \*Cooper, \*Cohen, \*Springer, \*O'Brien, \*Kyle, \*Haynes).

Rep. Kisber moved that House Bill No. 90 be reset to the Message Calendar after the Recess, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENT

**\*House Bill No. 1784** -- Planning, Public - Abolishes state planning office; transfers statutory responsibilities of office and director to executive department or other state agencies. Amends or repeals TCA Titles 4, 9, 13, 64, 68. by \*Bittle, \*Kerr, \*Clabough, \*Bird, \*Haley, \*Williams (Union), \*Westmoreland, \*Boyer, \*Patton, \*Kent, \*Newton, \*Duer, \*Hicks, \*Cantrell, \*Beavers, \*Sharp, \*Ford S, \*Roach, \*Wood(SB1773 by \*Rice, \*Atchley, \*Miller J, \*Elsea, \*Carter, \*Haun, \*McNally, \*Person).

Further consideration of House Bill No. 1784, previously considered on today's Message Calendar.

#### Senate Amendment No. 3

AMEND House Bill No. 1784 by inserting the following new sections immediately preceding the last section and by renumbering the subsequent sections accordingly:

Section \_\_. Tennessee Code Annotated, Section 13-3-101, as amended by 1995 Public Chapter 98, is amended by adding the following as subsection (I)(7):

(i)(7) In the event that a county and a municipality or municipalities lying within such county, pursuant to local agreement, statute, or otherwise, participate jointly in a planning region, then members of the planning commission for such a region shall be selected and governed according to the provisions of subsections (c) through (h) above.

Rep. Haley moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1784**, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson,

Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 1404** -- University of Tennessee - Adds UT Board of Trustees institution faculty member to board of trustees for three year term; rotates representation through system. Amends TCA Title 49, Chapter 9, Part 2. by \*Gilbert, \*Hamilton, \*Wallace, \*Crowe, \*Crutchfield, \*Rochelle, \*Womack, \*Springer, \*Holcomb, \*Rice, \*Person, \*Miller J, \*Cohen(\*HB599 by \*Herron, \*Pinion, \*Armstrong, \*Ritchie, \*Tindell).

Further consideration of Senate Bill No. 1404, previously considered on today's Message Calendar.

Rep. Herron moved that Senate Bill No. 1404 be reset to the Message Calendar after the Recess, which motion prevailed.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1820.

The Senate refused to recede from its action in non-concurring in House Amendment(s) No(s). 1 and 3.

The Speaker appointed a Conference Committee composed of Senators Henry, McNally, Rochelle, Atchley, Crutchfield, Elsea, Ford, Hamilton and O'Brien to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 1820.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**HOUSE ACTION ON SENATE MESSAGE**

\***Senate Bill No. 1820** -- Appropriations - Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1995. by \*Henry, \*McNally, \*Atchley, \*Elsea, \*Wilder, \*Crutchfield(HB1843 by \*Bittle, \*Bragg, \*Davis, \*McDaniel, \*Kisber, \*Head, \*Walley, \*Kent, \*Cole (Carter), \*Wood, \*Gunnels, \*Rhinehart, \*Williams (Union), \*Whitson, \*Coffey, \*Ford S, \*Sharp, \*Venable, \*Davidson, \*DeBerry L, \*Jones U (Shelby), \*Turner (Shelby), \*Jones R (Shelby), \*Miller L, \*Boyer, \*Cantrell, \*Rinks, \*Westmoreland, \*Callicott, \*McAfee, \*Ramsey, \*McKee, \*Kerr, \*Dunn, \*Newton, \*Huskey, \*Winningham, \*Haley, \*Cole (Dyer), \*Langster).

**CONFERENCE COMMITTEE APPOINTED**  
**ON SENATE BILL NO. 1820**

Pursuant to **Rule No. 73**, Representative Bittle moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 1820, which motion prevailed.

The Speaker appointed Representatives Head, Armstrong, Cole(Carter), Kent, Kisber, Rhinehart, Rinks, Whitson, Bragg, DeBerry



**THURSDAY, MAY 25, 1995 -- FORTY-FIFTH LEGISLATIVE DAY**

L, Purcell, Bittle, Ridgeway, McDaniel, Hargrove and Chumney as the House members of the Conference Committee on Senate Bill No. 1820.

**MESSAGE FROM THE SENATE  
May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1868, 1873, 1883, 1884, 1892, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1916, 1917, 1918, 1923, 1925, 1927, 1928, 1929, 1930, 1931, 1933, 1934, 1935 and 1937; all substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS  
May 25, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 358, 359, 360, 361 and 364.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
May 25, 1995**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 325 and 326.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 166, 204, 247, 252, 327, 328, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 350, 351, 352, 353, 354, 355, 356 and 357; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS  
May 25, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1915, 1940 and 1943.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**RECESS MOTION**

On motion of Rep. Purcell, the House recessed until 1:30 p.m.

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

**ROLL CALL DISPENSED WITH**

On motion of Rep. Purcell, the roll call was dispensed with.

**REGULAR CALENDAR**

**House Joint Resolution No. 363** -- General Assembly, Adjournment, Recess-Recesses general assembly on May 25, 1995, to reconvene on June 20, 1995. by \*Purcell, \*Ridgeway, \*Rinks, \*Chumney, \*Hargrove, \*DeBerry L, \*Naifeh.

Rep. Purcell moved that House Joint Resolution No. 363 be adopted.

Rep. Purcell moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 363 by deleting in the first resolving clause the language " Tuesday, June 20" and by substituting instead the language " Wednesday, July 12" .

AND FURTHER AMEND by deleting in the second resolving clause the language " Wednesday, June 21" and by substituting instead the language " Thursday, July 13" .

AND FURTHER AMEND by deleting in the fourth resolving clause the language " June" and by substituting instead the language " July" .

Rep. Purcell moved that **House Joint Resolution No. 363** be adopted, as amended, which motion prevailed.

**RULES SUSPENDED**

**MOTION TO RECONSIDER**

Rep. Purcell moved to lift from the table the motion to reconsider House Joint Resolution No. 235, which motion prevailed.

**\*House Joint Resolution No. 235** -- General Assembly, Adjournment, Recess -- Recesses House on April 27, 1995 to reconvene on May 15, 1995; adjourns on May 25, 1995. by \*Purcell, \*Bittle.

Rep. Purcell moved to reconsider action in adopting House Joint Resolution No. 235, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1844** -- Bond Issues - Authorizes \$140,800,000 bond issue to fund state projects. by \*Bittle, \*Bragg, \*Davis, \*McDaniel, \*Kisber, \*Head, \*Walley, \*Armstrong, \*Kent, \*Cole (Carter), \*Wood, \*Rhinehart, \*Whitson, \*Davidson, \*Coffey, \*Ford S, \*Sharp, \*Williams (Union), \*Venable, \*DeBerry L, \*Turner (Shelby), \*Jones U (Shelby), \*Jones R (Shelby), \*Miller L, \*Westmoreland, \*Callicott, \*Roach,

\*Duer, \*Dunn, \*Newton, \*Huskey, \*Winningham, \*Haley, \*Rinks(\*SB1821 by \*Henry, \*McNally, \*Atchley, \*Elsa, \*Wilder).

On motion, House Bill No. 1844 was held on the Clerk's desk to be heard at the call of Rep. Bragg, which motion prevailed.

**House Bill No. 775** -- Banks and Financial Institutions - Authorizes banks holding funds of two or more local governments to invest such funds in local government investment pool. Amends TCA Title 9, Chapter 4, Part 7. by \*West(\*SB938 by \*Haynes).

Further consideration of House Bill No. 775, previously considered on April 6, 1995 and April 15, 1995, and reset to today's Calendar.

Rep. West moved that House Bill No. 775, be reset to the Calendar on the last legislative day in March, 1996, which motion prevailed.

**\*House Bill No. 554** -- Smoking - Enacts "Children's Act for Clean Indoor Air" regulating smoking of tobacco in public places children frequent. by \*Halteman Harwell, \*Coffey, \*Haley, \*Kernell, \*Byrd, \*Cross, \*Ridgeway, \*Williams (Union), \*Beavers, \*Stamps(SB590 by \*Henry, \*Cohen, \*McNally).

Rep. Halteman Harwell requested that House Bill No. 554 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 712** -- Medicine, Practice of - Excludes certain employment and contractual arrangements from the practice of medicine and the prohibition on unlawful division of fees; establishes certain ethical restrictions and requirements on corporate employers; authorizes board of medical examiners to undertake certain rules to ensure ethical practice of medicine. Amends TCA 63-6-204, 225; 68-11-205. by \*Arriola, \*Duer(\*SB1290 by \*Person, \*Cooper).

Rep. Arriola moved that House Bill No. 712 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 712 by deleting Sections 1 through 5, and by substituting in their place the following new sections, and by renumbering the remaining sections:

SECTION 1. Tennessee Code Annotated, Section 63-6-204 is amended by adding the following language:

( ) Notwithstanding the provisions of this section, nothing herein shall prohibit a hospital licensed under Title 68, Chapter 11, or Title 33, Chapter 2, or an affiliate of a hospital, from employing licensed physicians other than radiologists, anesthesiologists, pathologists, or emergency physicians, to provide

medical services, subject to the following conditions:

(a) Employing entities shall not restrict or interfere with medically appropriate diagnostic or treatment decisions.

(b) Employing entities shall not restrict or interfere with physician referral decisions unless:

(1) the physician so employed has agreed in writing to the specific restrictions at the time that the contract is executed; and,

(2) the restriction does not, in the reasonable medical judgment of the physician, adversely affect the health or welfare of the patient; and

(3) the physician is not precluded from disclosing any such restrictions.

(c) In the event that there is any dispute relating to (a) or (b), the employing entity shall have the burden of proof.

( ) Employing entities shall not restrict the employed physician's right to practice medicine upon the termination or conclusion of the employment relationship, except as follows:

(1) For physicians from whom the employing entity has made a bona fide purchase of the physician's practice, the employing entity may impose reasonable geographic restrictions upon the employed physician's practice, provided that:

(A) The maximum allowable area of the restriction is the greater of:

(i) the county in which the primary practice site is located; or

(ii) a ten mile radius from the primary practice site, and

(B) The duration of the restriction is two years or less, unless a longer period not to exceed five years is agreed to in writing and is required to comply with federal statutes, rules, regulations, or IRS revenue rulings or private letter rulings; and,

(C) Any employment agreement or medical practice sale agreement

restricting the right of a physician  
to practice shall:

(I) allow the physician to buy  
back his or her medical practice for  
the original purchase price of  
the practice, or, in the alternative, if the  
parties agree in writing, at a price not to exceed  
the fair market value of the practice at  
the time of the buy back, at which  
time any such restriction on  
practice shall be void; and

(ii) not require that the  
physician give more than thirty days  
notice to exercise the repurchase  
option; however, this provision shall  
not otherwise affect the contract termination  
notice requirements.

(D) If the buy back provision is  
dependent upon a determination of the fair  
market value of the practice, the  
contract shall specify the method of  
determining fair market value by independent appraisal  
in the event that the parties cannot agree as to  
the fair market value. The contract  
shall also include the following  
language:

In the event that the employing entity  
and the physician cannot agree upon the  
fair market value of the practice within  
ten business days of the physician's  
intent to repurchase the practice, the  
physician may remove any contractual restrictions upon  
his/her practice by tendering to the employing entity  
the amount that was paid to him/her for the  
practice. The employing entity or the  
physician may then seek a determination of  
the fair market value of the practice  
by the independent appraisal method specified by  
contract.

(2) For physicians employed independently  
of a bona fide practice purchase, and who have  
practiced for more than five years in the  
county in which the hospital or primary  
practice site is located, the employing entity may restrict the  
employed physician's right to treat for  
compensation or to directly solicit by  
telephone or mail the patients treated during  
the course of the employment relationship, but only for one  
year or less following the termination or  
conclusion of the employment relationship.

(3) For physicians employed independently  
of a bona fide practice purchase, and who have  
practiced for less than five years in the

county in which the hospital or primary  
practice site is located, the employing entity may only restrict  
the employed physician's right to directly  
solicit by telephone or mail the patients  
treated during the course of the  
employment relationship, but only for one year or less  
following the termination or conclusion of the  
employment relationship.

Notwithstanding the foregoing, in the event  
that the employment contract with a physician  
employed independently of a bona fide practice  
purchase is terminated by the employing  
entity for reasons other than breach by the  
employee, any such restrictions shall be void.

( ) In any event, nothing herein shall  
prohibit a licensed physician, or group of  
licensed physicians, including, without  
limitation, a physicians' professional corporation registered  
under Title 48, Chapter 3 from employing  
physicians.

( ) A hospital affiliate that employs  
physicians shall not engage in any business  
other than the employment of  
physicians, the management of physicians and health care  
facilities, or the ownership of property and  
facilities used in the provision of health care  
services. An affiliate of a hospital that employs  
physicians pursuant to this part shall be subject to the  
authority of the applicable licensing board under either Title  
68, Chapter 11, or Title 33, Chapter 2 in  
connection with employment of physicians. Any  
violation of this statute by an affiliate shall  
subject any hospital, (i) at which the physician  
has staff privileges, and, (ii) that controls or is under common  
control with the affiliate, to the penalties and  
sanctions applied to hospitals that employ  
physicians.

( ) For purposes of this section:

"Radiologist" is defined as a  
physician who has completed a residency  
in radiology and whose practice is  
primarily limited to radiology, including without  
limitation diagnostic radiology, radiation therapy, and  
radiation oncology.

"Anesthesiologist" is defined as a  
physician who has completed a residency in  
anesthesiology and whose practice is primarily  
limited to anesthesiology, including  
without limitation nerve block, pain management,  
cardiac and respiratory resuscitation, respiratory  
therapy, management of fluids, electrolyte  
and metabolic disturbances.

physician who has "Pathologist" is defined as a  
in pathology and whose practice completed a residency  
limited to pathology, including without is primarily  
limitation anatomic and clinical pathology.

physician "Emergency physician" is defined as a  
who has:

(a) either:

in (i) completed a residency  
emergency medicine, or  
medicine (ii) practiced emergency  
full-time for a three  
year period, and

(b) whose practice is limited to  
emergency medicine. This  
include,  
definition shall not  
however, a physician who has been  
previously employed to provide non-emergent  
medical services who, over a period of twelve  
(12) months or more, becomes a full time  
emergency physician and who remains  
employed by mutual agreement.

"Affiliate" of a hospital means an  
entity that directly or indirectly is  
controlled by, or is under common  
control with, a hospital licensed under Title  
68, Chapter 11 or Title 33, Chapter 2. Affiliate shall  
not mean, however, a health maintenance  
organization licensed under Title 56,  
Chapter 32.

"Employing entity" means a hospital  
licensed under Title 68, Chapter 11, or  
Title 33, Chapter 2, or an affiliate of  
such an entity, that employs one or more  
physicians. Employing entity shall not mean, however,  
a health maintenance organization licensed under  
Title 56, Chapter 32.

"Physician" means a person licensed  
pursuant to Title 63, Chapters 6 or 9.

( ) No radiologist, anesthesiologist,  
pathologist, or emergency physician may be  
employed by a hospital or an affiliate of a  
hospital and no hospital or an affiliate of a  
hospital may employ any physician to provide medical services  
provided by radiologists, anesthesiologists,  
pathologists, or emergency physicians;  
provided, however, a physician may be employed  
to provide emergency medical services if such  
physician is employed to provide other medical services.

SECTION 2. Tennessee Code Annotated, Section 63-6-225  
is amended by adding the following language as a new  
subsection (b), and by relettering the remaining  
subsection:

( ) The provisions of this section do not  
prohibit a physician from compensating any  
independent contractor that provides goods or  
services to a physician on the basis of a percentage of the  
physician's fees generated in the practice of  
medicine. The percentage paid must be  
reasonably related to the value of the goods or  
services provided. Payments by physicians in return for referrals  
are prohibited.

SECTION 3. Tennessee Code Annotated, Section 68-11-  
205 is amended by adding the following language:  
( ) Notwithstanding the provisions of this  
section, nothing herein shall prohibit a hospital  
licensed under Title 68, Chapter 11, or an  
affiliate of a hospital from employing physicians, other than  
radiologists, anesthesiologists, pathologists, or emergency  
physicians, licensed under Title 63, Chapters 6 or 9,  
subject to the following conditions:

(a) Employing entities shall not restrict  
or interfere with medically appropriate  
diagnostic or treatment decisions.

(b) Employing entities shall not restrict  
or interfere with physician referral  
decisions unless:

(1) the physician so employed has  
agreed in writing to the specific  
restrictions at the time that the  
contract is executed; and,

(2) the restriction does not, in the  
reasonable medical judgment of the  
physician, adversely affect the health or  
welfare of the patient; and

(3) the physician is not precluded  
from disclosing any such  
restrictions.

(c) In the event that there is any dispute  
relating to (a) or (b), the employing entity  
shall have the burden of proof.

( ) Employing entities shall not restrict  
the employed physician's right to practice  
medicine upon the termination or conclusion  
of the employment relationship, except as follows:

(1) For physicians from whom the  
employing entity has made a bona fide  
purchase of the physician's practice, the



employing entity may impose reasonable  
geographic restrictions upon the employed physician's  
practice, provided that

of (A) The maximum allowable area  
of: the restriction is the greater

(I) the county in which the  
primary practice site  
is located; or

(ii) a ten mile radius from  
primary practice site, and  
the

(B) The duration of the  
two years or less,  
restriction is  
unless a longer period not to  
exceed five years is agreed to in writing and is  
required to comply with federal statutes, rules,  
regulations, or IRS revenue rulings or  
letter rulings; and,  
private

(C) Any employment agreement or  
medical practice sale agreement  
right of a physician  
restricting the  
to practice shall:

(I) allow the physician to  
back his or her medical  
original  
buy  
practice for the  
purchase price of the practice, or,  
in the alternative, if the parties agree in  
writing, at a price not to exceed the fair  
market value of the practice at the  
time of the buy back, at which  
time any such restriction on  
practice shall be void; and

(ii) not require that the  
physician give more than  
notice to  
thirty days  
exercise the repurchase option;  
however, this provision shall not  
otherwise affect the contract termination  
notice requirements.

(D) If the buy back provision is  
dependent upon a  
market  
determination of the fair  
value of the practice, the contract shall  
specify the method of determining fair market  
value by independent appraisal in the event that  
the parties cannot agree as to the fair  
value. The contract shall  
market also include the following  
language:

agree value of the practice business days of the physician's notice of intent to repurchase the practice, the physician may remove any contractual restrictions upon his/her practice by tendering to the entity the amount him/her that was paid to for the practice. The employing entity or the physician may then seek a determination of the fair market value of the practice by the independent appraisal method specified by contract.

(2) For physicians employed independently of a bona fide practice purchase, and who have practiced for more than five years in the county in which the hospital or primary practice site is located, the employing entity may restrict the employed physician's right to treat for compensation or to directly solicit by telephone or mail the patients treated during the course of the employment relationship, but only for one year or less following the termination or employment conclusion of the relationship.

(3) For physicians employed independently of a bona fide practice purchase, and who have practiced for less than five years in the county in which the hospital or primary practice site is located, the employing entity may only restrict the employed physician's right to directly solicit by telephone or mail the patients treated during the course of the employment relationship, but only for one year or less following the termination or conclusion of the employment relationship.

Notwithstanding the foregoing, in the event that the employment contract with a physician employed independently of a bona fide practice purchase is terminated by the employing entity for reasons other than breach by employee, any such restrictions shall be void.

( ) A hospital affiliate that employs business other than physicians shall not engage in any the employment of physicians and health care facilities or the ownership of property and facilities used in the provision of health care services. An affiliate of a hospital that

employs physicians pursuant to this part  
shall be subject to the authority of the  
applicable licensing board under either  
Title 68, Chapter 11, or Title 33, Chapter 2 in  
connection with employment of physicians. Any  
violation of this statute by an affiliate shall  
subject any hospital, (i) at which the  
physician has staff privileges, and (ii)  
that controls or is under common control with  
the affiliate, to the penalties and sanctions applied to  
hospitals that employ physicians.

( ) For purposes of this section:

"Radiologist" is defined as a  
physician who has completed a  
residency in radiology and whose  
practice is primarily limited to radiology,  
including without limitation diagnostic radiology,  
radiation therapy, and radiation oncology.

"Anesthesiologist" is defined as  
a physician who has completed  
a residency in anesthesiology and  
whose practice is primarily  
limited to anesthesiology, including without  
limitation nerve block, pain management, cardiac  
and respiratory resuscitation, respiratory  
therapy, management of fluids,  
electrolyte and metabolic  
disturbances.

"Pathologist" is defined as a  
physician who has completed a  
residency in pathology and whose practice  
is primarily limited to pathology,  
including without limitation anatomic and clinical

"Emergency physician" is defined  
as a physician who has:

(a) either:

(i) completed a  
residency in emergency  
medicine, or

(ii) practiced  
emergency medicine full-  
time for a three year  
period, and

(b) whose practice is  
limited to emergency  
medicine. This definition shall  
not include, however, a physician who  
has been previously employed to provide  
non-emergent medical services who, over  
a period of twelve (12) months or more,

physician becomes a full time emergency  
employed by mutual and who remains  
agreement.

an entity "Affiliate" of a hospital means  
is controlled by, or is that directly or indirectly  
under  
common control with, a hospital licensed

under Title 68, Chapter 11 or Title 33, Chapter  
2. Affiliate shall not mean, however, a health  
maintenance organization licensed under  
Title 56, Chapter 32.

hospital "Employing entity" means a  
Chapter 11, or Title 33, licensed under Title 68,  
Chapter 2,  
or an affiliate of such an entity that  
employs one or more physicians. Employing  
entity shall not mean, however, a health  
maintenance organization licensed under Title  
56, Chapter 32.

licensed "Physician" means a person  
pursuant to Title 63,  
Chapters 6 or 9.

( ) No radiologist,  
anesthesiologist, pathologist, or  
emergency physician may be employed  
by a hospital or an affiliate of a  
hospital and no hospital or an affiliate of a  
hospital may employ any physician to provide  
medical services provided by radiologists,  
anesthesiologists, pathologists, or  
physicians; provided,  
emergency be  
however, a physician may  
employed to provide emergency medical  
services if such physician is employed to provide  
other medical services.

( ) Employing entities shall not  
require, by contract or policy,  
that as a condition or  
consequence of employment, written or  
otherwise, employed physicians relinquish  
medical staff privileges, or the rights related  
thereto, upon the commencement of, upon any  
event during the pendency of, or  
termination or  
at the  
conclusion of, the employment  
relationship. In any event, nothing hereunder  
shall be construed as affecting or negating the  
ability of an employing hospital to revoke  
suspend a physician's staff  
or privileges in accordance with  
the procedures set forth in the  
medical staff bylaws. Hospitals shall not  
substitute physician employment contracts for  
medical staff privileges. Nonemployed and

employed physicians holding staff  
privileges at a hospital which is an  
employing entity, or hospitals  
on which employed physicians hold  
staff privileges that are affiliates of employing  
entities, shall enjoy the same privileges, rights  
and protections with respect to  
membership.  
medical staff  
Employment of a physician shall not  
affect any other physician's medical staff  
privileges. Physicians who hold membership on  
medical staffs at a hospital which is an  
employing entity, or a hospital on which  
employed physicians hold staff  
privileges that are affiliates of  
employing entities, shall be provided  
with the rights and protections, including rights  
of self-governance, afforded by the applicable  
state licensing board, and, when  
accredited, the accrediting entity or  
agency.

( ) If a physician, in  
connection with a claim for breach  
of contract or other dispute  
related to §63-6-204, establishes in a court of  
competent jurisdiction, or other forum including  
in a peer review action or arbitration  
proceeding, that the conditions of  
Tenn. Code Ann., §63-6-204, have  
been violated by the employing entity,  
the physician shall be entitled to recover the  
physician's cost of litigation, arbitration, or peer  
review defense, and a reasonable  
attorney's fee.

( ) In any event, nothing herein  
shall prohibit a licensed  
physician, group of licensed  
physicians, including, but not limited to, a  
physicians' professional corporation registered  
under Title 48, Chapter 3, from employing  
physicians.

( ) No radiologist,  
anesthesiologist, pathologist, or  
emergency physician may be employed  
by a hospital or an affiliate of a  
hospital and no hospital or an affiliate of a  
hospital may employ any physician to provide  
services provided by radiologists,  
anesthesiologists, pathologists,  
or emergency physicians; provided,  
however, physicians may be  
employed to provide emergency medical  
services if such physician is employed to provide  
other medical services.

SECTION 4. Tennessee Code Annotated, Title 68, Chapter 11, Part 2 is amended by adding thereto the following new section:

( ) (a) A hospital shall not:

(1) require hospital-based physicians to pay for the cost of the use of necessary medical equipment related to the provision of medical services by the hospital-based physicians, or

(2) require hospital-based physicians to share in the cost of advertising related to their services or services of the hospital, unless specifically required by contract.

(b) The termination of an oral or written contract between a hospital and a hospital-based physician shall not result in loss of medical staff privileges, through contractual provisions or hospital policy, unless there is a written contract that contains a section separately executed by the parties that provides for the loss of medical staff privileges:

(1) if such physician is provided with at least six (6) months written notice of the termination of the contract, and

(2) if either:

(A) such physician provides medical services under the contract to a department of the hospital that is closed and will remain closed after termination of the contract, or

(B) if such physician provides medical services under the contract to a department of the hospital that is open, but will be closed after termination of the contract. In the case of an emergency physician, the notice of termination described in the preceding sentence may be less than six (6) months in order to obtain emergency coverage to satisfy requirements of state licensing rules, accreditation or applicable managed care plans.

(c) As used in this section, the term "hospital-based physician" means an anesthesiologist, emergency physician, pathologist, or radiologist.

AND FURTHER AMEND by renumbering the remaining Sections 6 and 7 accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 712 by deleting from subsection (b) of Section 4, as amended, subitems (A) and (B), and by substituting instead the following language:

(A) such physician provides medical services under the contract to a department of the hospital that has a closed staff and will have a closed staff after termination of the contract, or

(B) if such physician provides medical services under the contract to a department of the hospital that has an open staff, but will have a closed staff after termination of the contract. In the case of an emergency physician, the notice of termination described in the preceding sentence may be less than six (6) months in order to obtain emergency coverage to satisfy requirements of state licensing rules, accreditation or applicable managed care plans.

Rep. Arriola requested that House Bill No. 712 be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 245** -- Bond Issues - Authorizes issuance of \$100 million bond issue for general government purposes. by \*Odom, \*Bragg, \*Halteman Harwell (SB1102 by \*Crutchfield).

Rep. Bragg moved that House Bill No. 245 be reset to the Calendar immediately after House Bill No. 1844, which motion prevailed.

**House Bill No. 915** -- Tobacco, Tobacco Products - Requires that signs prohibiting tobacco sales to minors be no smaller than 95 1/2 square inches, rather than 93 1/2 square inches. Amends TCA Title 39, Chapter 17. by \*Head(\*SB346 by \*Cooper).

Rep. Bell moved that House Bill No. 915 be passed on third and final consideration.

Rep. Bell moved adoption of Agriculture Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 915 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1503(2), is amended by adding the following language to the end of the item:

Except in the case of distribution by mail, the distributor shall obtain a statement from the addressee that he or she is eighteen (18) years of age or older.

SECTION 2. Tennessee Code Annotated, Section 39-17-1504(d), is amended by adding the following language at the end of the first sentence:

In the case of distribution by mail the distributor of tobacco products shall obtain from the addressee an affirmative statement that he or she is eighteen (18) years of age or older, and shall inform the recipient that he or she is strictly prohibited from distributing any tobacco product, as defined by this Act, to any person under eighteen (18) years of age.

SECTION 3. Tennessee Code Annotated, Section 39-17-1504(e), is amended by adding the following language at the end of the subsection:

In the case of distribution of tobacco products by mail, proof that the defendant obtained a statement from the addressee that he or she is eighteen (18) years of age or older and that the distributor of tobacco products informed the addressee that he or she is strictly prohibited from distributing any tobacco product, as defined by this Act, to any person under eighteen (18) years of age, shall be a defense to any action brought pursuant to this section.

SECTION 4. This act shall take effect on July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Head moved that House Bill No. 915 be moved down five places on the Calendar, which motion prevailed.

**House Bill No. 1774** -- Pardons and Paroles - Raises parolee's monthly contribution amount toward cost of supervision and probation from \$5.00 to \$15.00; allows dispersal of funds for drug screening of parolees. Amends TCA Title 40. by \*Bittle, \*Kent, \*Cole (Carter), \*Kisber, \*Williams (Union), \*Roach, \*Bird, \*Ramsey, \*Kerr, \*Clabough, \*Davis, \*Westmoreland, \*Coffey, \*Callicott, \*Walley, \*Newton, \*Venable, \*Stamps, \*Duer, \*Peach, \*Beavers, \*Cantrell, \*Sharp, \*Wood, \*Ford S, \*Shirley, \*Patton, \*Haley, \*Buck, \*Dunn, \*Pinion(\*SB1759 by \*McNally, \*Person, \*Atchley, \*Elsea, \*Leatherwood, \*Wright, \*Rice, \*Miller J, \*Gilbert, \*Carter, \*Holcomb, \*Haun, \*Jordan, \*Fowler, \*Hamilton).

Further consideration of House Bill No. 1774, previously considered on May 24, 1995, and reset to today's Calendar.

Rep. Kent moved that **House Bill No. 1774** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole



(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1837** -- Utilities, Utility Districts - Authorizes referendum of customers to approve increasing per diem for board of Huntsville Utility District, Scott County to \$250 from \$100 to be paid for not more than 12 meetings a year. Amends TCA 7-82-308. by \*Winningham(SB1832 by \*O'Brien).

Further consideration of House Bill No. 1837, previously considered on May 24, 1995, and reset to today's Calendar.

Rep. Winningham requested that House Bill No. 1837 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 1922** -- Germantown - Subject to local approval, authorizes hotel/motel tax. Amends Chapter 87 of the Private Acts of 1985. by \*Kent, \*Hassell, \*Shirley(SB1912 by \*Person, \*Leatherwood, \*Ford J).

Further consideration of House Bill No. 1922, previously considered on May 24, 1995, and reset to today's Calendar.

On motion, House Bill No. 1922 was made to conform with **Senate Bill No. 1912**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 1912 be passed on third and final consideration.

Rep. Jones U(Shelby) moved the previous question, which motion prevailed.

Rep. Kent moved that **Senate Bill No. 1912** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes .....	2
Present and not voting .....	7

Representatives voting aye were: Armstrong, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Davis, DeBerry, J., DeBerry, L., Duer, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent,

Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Burchett, Herron -- 2.

Representatives present and not voting were: Arriola, Davidson, Dunn, Eckles, Hargrove, Sharp, West -- 7.

A motion to reconsider was tabled.

**House Bill No. 1750** -- Judicial Officers - Increases compensation for senior judges; requires judicial council to recommend to general assembly number of assistant district public defender positions that need to be created in order to expedite death penalty appeals. Amends TCA Titles 17, 39, by \*Purcell, \*Jackson, \*Williams (Williamson), \*Buck, \*Rhinehart(\*SB13 by \*Person).

Further consideration of House Bill No. 1750, previously considered on May 24, 1995, and reset to today's Calendar.

Rep. Purcell moved that **House Bill No. 1750** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	87
Noes .....	5
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Beavers, Dunn, Peach, Shirley, Williams (Union) -- 5.

Representatives present and not voting were: Newton, Towns -- 2.

A motion to reconsider was tabled.

**\*Senate Bill No. 869** -- County Officers - Makes temporary citizen commission of government officials compensation permanent; removes February 1, 1995 deadline for filing of commission's report and recommendations to general assembly. Amends TCA Title 5, Chapter 6;

Titles 8, 18; Title 54, Chapter 7; Title 67, Chapter 1, Part 5. by \*Haun, \*Wallace, \*Crowe(HB1352 by \*Kisber).

Further consideration of Senate Bill No. 869, previously considered on May 24, 1995, at which time the House Bill was substituted for the Senate Bill, and reset to today's Calendar.

Rep. Kisber requested that Senate Bill No. 869 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 915** -- Tobacco, Tobacco Products - Requires that signs prohibiting tobacco sales to minors be no smaller than 95 1/2 square inches, rather than 93 1/2 square inches. Amends TCA Title 39, Chapter 17. by \*Head(\*SB346 by \*Cooper).

Further consideration of House Bill No. 915, previously considered on today's Calendar.

Rep. Head moved that **House Bill No. 915**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	87
Noes .....	3
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Dunn, Herron, Peach -- 3.

Representatives present and not voting were: Beavers, Brooks, Ritchie -- 3.

A motion to reconsider was tabled.

**House Bill No. 888** -- Libraries - Clarifies law to allow library boards to charge reasonable fees for late-returned materials, photocopying and lending equipment. Amends TCA 10-3-108. by \*Burchett(\*SB1432 by \*Gilbert, \*McNally, \*Atchley).

Further consideration of House Bill No. 888, previously considered on March 30, 1995 and May 24, 1995, and reset to today's Calendar.

On motion, House Bill No. 888 was made to conform with **Senate Bill No. 1432**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 1432 be passed on third and final consideration.

Rep. Burchett moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1432 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 10-3-108, is amended by adding the following sentence at the end of the section:

Nothing in this chapter shall be construed to prohibit a library board from charging library users a reasonable fine for late-returned library materials and charging for special services including, but not limited to, the loan of equipment and the use of photocopyers.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Tindell moved the previous question on Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. Burchett moved that **Senate Bill No. 1432**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes .....	49
Noes .....	32
Present and not voting .....	9

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Davidson, Duer, Dunn, Ford, Fowlkes, Gunnels, Haley, Hassell, Hicks, Jones, U. (Shelby), Joyce, Kernell, Kerr, McAfee, McDaniel, McMillan, Napier, Patton, Phillips, Pruitt, Purcell, Ramsey, Ritchie, Sharp, Shirley, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Wood, Mr. Speaker Naifeh -- 49.

Representatives voting no were: Cole (Carter), Cole (Dyer), Cross, Curtiss, Eckles, Fitzhugh, Givens, Hargrove, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Kent, Langster, Lewis, McDonald, Miller, Odom, Peach, Phelan, Pinion, Ridgeway, Rigsby, Rinks, Stulce, Towns, West, Westmoreland, White, Williams (Williamson), Winningham -- 32.

Representatives present and not voting were: Bowers, Bragg, Chumney, Davis, Halteman Harwell, Rhinehart, Roach, Williams (Union), Windle -- 9.

Having failed to receive a constitutional majority, **Senate Bill No. 1432** was re-referred to the Calendar and Rules Committee.

**\*Senate Bill No. 779** -- Administrative Procedure - Clarifies that when effectiveness of rules are suspended by action of general assembly, prior rules will remain in effect. Amends TCA Titles 2 -- 71. by \*Haynes(HB628 by \*Kernell).

Further consideration of **Senate Bill No. 779**, previously considered on May 24, 1995, at which time the House Bill was substituted for the Senate Bill, and reset to today's Calendar.

Rep. Kernell requested that **Senate Bill No. 779** be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 1625** -- Pari-mutuel Betting - Authorizes county or municipality to call referendum to determine whether pari-mutuel betting wagering on horse racing will be permitted at satellite simulcast teletheaters located in such county or municipality. Amends TCA 4-36-103, 302, 303, 306(b)(2), (3), 401. by \*Jones R (Shelby), \*Jones U (Shelby), \*Miller L, \*Stamps, \*Kent, \*Davis, \*Huskey, \*DeBerry L, \*Turner (Shelby)(\*SB927 by \*Ford J).

Further consideration of **House Bill No. 1625**, previously considered on May 18, 1995, May 22, 1995 and May 24, 1995, and reset to today's Calendar.

Rep. Jones R(Shelby) requested that **House Bill No. 1625** be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 341** -- Campaigns - Requires disclosure of occupation and employer of campaign contributors. Amends TCA Title 2, Chapter 10, Part 1. by \*Kisber, \*Stamps(\*SB29 by \*Cohen).

Further consideration of **House Bill No. 341**, previously considered on March 29, 1995, April 19, 1995, May 18, 1995 and May 24, 1995, and reset to today's Calendar.

Rep. Kisber requested that **House Bill No. 341** be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 880** -- District Attorneys - Authorizes additional criminal investigator for 8th judicial district. Amends TCA Title 16, Chapter 2, Part 5. by \*Winningham, \*Windle, \*Williams (Union), \*Cross(\*SB1244 by \*O'Brien).

Further consideration of **House Bill No. 880**, previously considered on May 24, 1995, and reset to today's Calendar.

Rep. Winningham requested that **House Bill No. 880** be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 1793** -- Unemployment Compensation - Purports to clarify Employment Security Law. Amends TCA 50-7-303, 304, 305, 404.

by \*Bittle, \*Bird, \*Cantrell, \*Clabough, \*Patton, \*Wood, \*Coffey, \*Davis, \*Gunnels, \*Williams (Union), \*Beavers, \*Kent, \*Cole (Carter), \*Kerr, \*Sharp, \*Ford S, \*Newton, \*Peach, \*Roach, \*Haley(SB1781 by \*Elsa, \*Rice, \*Carter, \*Haun, \*McNally, \*Atchley).

Rep. Gunnels moved that House Bill No. 1793 be passed on third and final consideration.

Rep. Armstrong moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1793 By deleting the language in this bill in its entirety and substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, 50-7-303(a)(5)(A), is amended by deleting the language "; or" at the end of such subdivision and substituting instead the following new language:

" , separation allowance, severance pay or similar payment. Any wages in lieu of notice, separation allowance, severance pay or similar payment which is payable at the option of the claimant on either a lump sum or periodic basis shall be treated as though it were paid on the periodic basis specified."

SECTION 2. Tennessee Code Annotated 50-7-303(b)(2)(B) is amended by deleting the language in such subdivision in its entirety and substituting instead the following new language:

"For purposes of subdivision (a)(5)(A), "separation allowance, severance pay or similar payment" means any payment which is made to an employee at the time of the employee's separation and which at least in part is in consideration of the past services performed for the employer or the amount which is based at least in part on the employee's number of years of service with the employer; and"

SECTION 3. Tennessee Code Annotated, 50-7-303(c)(1) is amended by inserting between the language "to accept a separation from employment;" and the word "and" at the end of such subdivision, the following new language: "however, benefits shall be denied a claimant for separation from employment resulting from the claimant's acceptance of an employer's program which provides monetary incentives to employees for voluntarily terminating their employment;"

SECTION 4. Tennessee Code Annotated 50-7-303(d)(2) is amended by deleting the language "three (3) years" and substituting instead the following new language:

"ninety (90) days"

SECTION 5. Tennessee Code Annotated 50-7-303 is amended by adding the following language as a new subsection (e):

"BACK PAY AWARDS. (1) Any employer who is a party to a back pay award or settlement due to loss of wages is required to report to the department within thirty (30) days of the ruling:

(A) the amount of the award or settlement, and

(B) the name and social security number of the recipient, and

(C) the calendar weeks for which the back pay was awarded.

For unemployment insurance benefit purposes the amount of back pay constitutes wages paid in the period for which it was awarded.

(2) The employer is required to reduce the amount of the back pay award or settlement by an amount determined by the department based on the amount of benefits received by the recipient of the back pay award or settlement during the period for which the award was granted and the employer must pay to the department, within thirty days of the settlement, an amount equal to the amount of such reduction at the time the monetary settlement is made."

SECTION 6. Tennessee Code Annotated, 50-7-304(b)(2)(B), is amended in the first sentence by inserting between the language "described in Section 50-7-304(b)(2)(C)" and the language ", no overpayment will" the following new language:

"or results because the employer did not appear for a scheduled hearing before the appeals tribunal or the board of review"

SECTION 7. Tennessee Code Annotated, 50-7-304(b)(2)(D), is amended in the second sentence by inserting between the language "described in Section 50-7-304(b)(2)(C)" and the language "will be charged" the following new language:

"or who did not appear for a scheduled hearing before the appeals tribunal or the board of review"

SECTION 8. Tennessee Code Annotated, 50-7-305(f), is amended by inserting between subdivision (2) and the last paragraph of this subsection, the following language as a new subdivision (3):

"In the event the federal share of extended benefits is reduced, the total extended

benefit amount payable to a claimant during such  
claimant's applicable benefit year will be reduced  
proportionately."

SECTION 9. Tennessee Code Annotated, 50-7-404(c)(3) is  
amended by inserting in the last sentence between the  
language "an incomplete quarterly premium report," and  
the language "within the time required by this chapter," the  
following new language:

"or any employer required to report on magnetic  
media as prescribed in Section 50-7-404(c)(4) who  
fails to file on magnetic media,"

This subdivision is further amended by adding the  
following language as a new subdivision (4):

"Effective for the quarter beginning January 1,  
1997, and thereafter, every employer with two hundred  
and fifty (250) or more employees, and every person  
or organization that, as an agent, reports wages on  
a total of two hundred and fifty (250) or more  
employees on behalf of one or more subject employers, shall file  
that portion of the wage and premium report that  
contains the name, social security number, and  
gross wages of each individual in employment  
on magnetic media in a format prescribed by the  
commissioner. However, if the United States Internal Revenue  
Service Regulations at 26 C.F.R. Section  
301.6011-2 are amended or superseded to reduce the  
threshold number of employees required by this  
section from two hundred and fifty (250) employees to a lower  
number of employees, this section shall remain consistent  
with those regulations as amended."

SECTION 10. Tennessee Code Annotated, 50-7-404 is  
amended by adding the following language as a new  
subsection (k):

"REVOCATION OF CHARTER OR AUTHORITY TO CONDUCT  
BUSINESS FOR NONPAYMENT. (1) The commissioner is  
empowered to certify to the secretary of state the  
name of any corporation or limited liability company  
permitted to conduct business in the State of Tennessee  
which meets the definition of "employer" or "employing  
unit" for the purposes of this Act, and which fails or refuses to  
file any quarterly report or to pay any fees,  
premiums, penalties or interest herein required;  
however, no certification shall be issued until such  
report, fees, premiums, penalties or interest has remained  
delinquent for a period of ninety (90) days.

(2) At the time of such certification to the  
secretary of state, the commissioner shall give  
notice to the corporation or limited liability  
company of the action taken. Thereupon, in the case of a  
corporation, the charter of such corporation or its domestication  
in the State of Tennessee shall stand as  
automatically revoked and the secretary of state



shall note such revocation upon its records; in the case of a limited liability company, the secretary of state shall administratively dissolve the limited liability company and shall note such dissolution upon its records.

(3) In the case of a corporation, at any time after the date of such revocation, the charter may be reinstated upon the filing of all reports and the payment of all fees, premiums, penalties and interest due the state; and in the case of a limited liability company, the certificate of dissolution may be canceled upon the filing of all reports and the payment of all fees, premiums, penalties and interest due the state; provided, that the title has not been taken by another corporation or limited liability company, and that proof is furnished sufficient to the commissioner that no third party will be injured by such reinstatement or cancellation, unless such proof has been furnished sufficient to the secretary of state upon requesting such reinstatement or cancellation.

A corporation whose charter has been revoked or a limited liability company that has been administratively dissolved pursuant to the foregoing provisions may apply to the secretary of state for reinstatement or cancellation by presenting a certificate from the commissioner certifying that the corporation or limited liability company has satisfied the requirements set forth above."

SECTION 11. Sections 1, 2, and 3 shall take effect for claimants filing initial claims on or after July 2, 1995, and all other sections shall take effect upon becoming law, the public welfare requiring it.

Rep. Armstrong moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 to Amendment No. 1.

**Amendment No. 1 to 1**

AMEND House Bill No. 1793 by deleting in House Consumer and Employee Affairs Committee Amendment No. 1 in Section 2 the word "and" at the end of such section and substituting instead the following new language:

however, such terms do not include payments for any week in which such payment is less than the claimant's weekly benefit amount; and

AND FURTHER AMEND Amendment No. 1 in Section 3 by deleting the semi- colon (;) at the end of Section 3 and substituting instead the following new language:

, provided such monetary incentive is greater than the maximum amount of benefits the claimant is eligible to receive; and provided further that the term "monetary incentive" does not include "wages in lieu of notice" as defined in Section 50-7-303(b)(2)(A) and such term does not

include " separation allowance, severance pay or similar payment" as defined in Section 50-7-303(b) (2) (B);

AND FURTHER AMEND Amendment No. 1 by deleting Section 8 of Amendment No. 1 in its entirety and renumbering Sections 9, 10 and 11 as Sections 8, 9 and 10 respectively.

Rep. Gunnels requested that House Bill No. 1793 be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 6 -- Bond Issues -** Authorizes state to issue bonds of \$54 million for area vocational technical schools under board of regents supervision. by \*Bragg, \*Byrd(SB47 by \*Womack).

Further consideration of House Bill No. 6, previously considered on May 24, 1995, and reset to today's Calendar.

Rep. Bragg moved that House Bill No. 6 be moved to the last bill on the last Calendar, which motion prevailed.

#### MOTION TO RECONSIDER

Rep. Cole(Dyer) moved to lift from the table the motion to reconsider Senate Bill 1432, which motion prevailed.

**\*Senate Bill No. 1432 -- Libraries --** Clarifies law to allow library boards to charge reasonable fees for latereturned materials, photocopying and lending equipment. Amends TCA 10-3-108. by \*Gilbert, \*McNally, \*Atchley (HB888 by \*Burchett).

Rep. Cole(Dyer) moved to reconsider action on Senate Bill No. 1432, which motion prevailed.

On motion, the House reconsidered its action on Senate Bill No. 1432.

Rep. Burchett moved that **Senate Bill No. 1432**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 554** -- Smoking -- Enacts "Children's Act for Clean Indoor Air" regulating smoking of tobacco in public places children frequent. by \*Halteman Harwell, \*Coffey, \*Williams (Union), \*Cross, \*Stamps, \*Beavers, \*West, \*Davidson, \*Head, \*Ridgeway, \*Brooks, \*Kernell, \*Haley, \*Hassell, \*Byrd(SB590 by \*Henry, \*McNally, \*Cohen).

Further consideration of House Bill No. 554, previously considered on today's Calendar.

Rep. Head requested that House Bill No. 554 be moved to the heel of the Message Calendar, which motion prevailed.

**House Bill No. 712** -- Medicine, Practice of -- Excludes certain employment and contractual arrangements from the practice of medicine and the prohibition on unlawful division of fees; establishes certain ethical restrictions and requirements on corporate employers; authorizes board of medical examiners to undertake certain rules to ensure ethical practice of medicine. Amends TCA 63-6-204, 225; 68-11-205. by \*Arriola, \*Duer (\*SB1290 by \*Person, \*Cooper).

Further consideration of House Bill No. 712, previously considered on today's Calendar.

Rep. Arriola moved that House Bill No. 712 be passed on third and final consideration.

Rep. Jackson moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 712 by deleting from subsection (b) of Section 4, as amended, subitems (A) and (B), and by substituting instead the following language:

(A) such physician provides medical services under the contract to a department of the hospital that has a closed staff after termination of the contract, or

(B) if such physician provides medical services under the contract to a department of the hospital that has an open staff, but will have a closed staff after termination of the contract. In the case of an emergency physician, the notice of termination described in the preceding sentence may be less than six (6) months in order to obtain emergency coverage to satisfy requirements of state licensing rules, accreditation or applicable managed care plans.

On motion, Amendment No. 2 was adopted.

Rep. Jackson moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 712 by deleting in paragraph 1.B. of the second undesignated subsection of Section 1 the phrase, "agreed to in writing and is required", and substituting instead the phrase, "determined by mutual agreement of the parties in writing to be necessary".

AND FURTHER AMEND by deleting from paragraph 1.B. of the second undesignated subsection of Section 3 the phrase, "agreed to in writing and is required", and substituting instead the phrase, "determined by mutual agreement of the parties in writing to be necessary".

On motion, Amendment No. 3 was adopted.

Rep. Arriola requested that House Bill No. 712 be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 1837** -- Utilities, Utility Districts - Authorizes referendum of customers to approve increasing per diem for board of Huntsville Utility District, Scott County to \$250 from \$100 to be paid for not more than 12 meetings a year. Amends TCA 7-82-308. by \*Winningham(SB1832 by \*O'Brien).

Further consideration of House Bill No. 1837, previously considered on today's Calendar.

On motion, House Bill No. 1837 was made to conform with **Senate Bill No. 1832**; the Senate Bill was substituted for the House Bill.

Rep. Winningham moved that **Senate Bill No. 1832** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*Senate Bill No. 869** -- County Officers - Makes temporary citizen commission of government officials compensation permanent; removes February 1, 1995 deadline for filing of commission's report and recommendations to general assembly. Amends TCA Title 5, Chapter 6; Titles 8, 18; Title 54, Chapter 7; Title 67, Chapter 1, Part 5. by \*Haun, \*Wallace, \*Crowe(HB1352 by \*Kisber).

Further consideration of Senate Bill No. 869, previously considered on today's Calendar.

Rep. Kisber requested that Senate Bill No. 869 be moved down two spaces on the Calendar, which motion prevailed.

**\*Senate Bill No. 779** -- Administrative Procedure - Clarifies that when effectiveness of rules are suspended by action of general assembly, prior rules will remain in effect. Amends TCA Titles 2 -- 71. by \*Haynes(HB628 by \*Kernell).

Further consideration of Senate Bill No. 779, previously considered on today's Calendar.

Rep. Kernell requested that Senate Bill No. 779 be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 1793** -- Unemployment Compensation - Purports to clarify Employment Security Law. Amends TCA 50-7-303, 304, 305, 404. by \*Bittle, \*Bird, \*Cantrell, \*Clabough, \*Patton, \*Wood, \*Coffey, \*Davis, \*Gunnels, \*Williams (Union), \*Beavers, \*Kent, \*Cole (Carter), \*Kerr, \*Sharp, \*Ford S, \*Newton, \*Peach, \*Roach, \*Haley(SB1781 by \*Elsea, \*Rice, \*Carter, \*Haun, \*McNally, \*Atchley).

Further consideration of House Bill No. 1793, previously considered on today's Calendar.

Rep. Gunnels moved that House Bill No. 1793 be passed on third and final consideration.

Rep. Armstrong moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 to Amendment No. 1 as follows:

**Amendment No. 1 to Amendment No. 1**

AMEND House Bill No. 1793 by deleting in House Consumer and Employee Affairs Committee Amendment No. 1 in Section 2 the word " and" at the end of such section and substituting instead the following new language:

however, such terms do not include payments for any week in which such payment is less than the claimant's weekly benefit amount; and

AND FURTHER AMEND Amendment No. 1 in Section 3 by deleting the semi- colon (;) at the end of Section 3 and substituting instead the following new language:

, provided such monetary incentive is greater than the maximum amount of benefits the claimant is eligible to receive; and provided further that the term " monetary

incentive" does not include "wages in lieu of notice" as defined in Section 50-7-303(b)(2)(A) and such term does not include "separation allowance, severance pay or similar payment" as defined in Section 50-7-303(b)(2)(B);

AND FURTHER AMEND Amendment No. 1 by deleting Section 8 of Amendment No. 1 in its entirety and renumbering Sections 9, 10 and 11 as Sections 8, 9 and 10 respectively.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Armstrong moved that Amendment No. 1, as amended, be adopted, which motion prevailed.

Rep. Curtiss moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1793 Amendment 1 to House Bill 1793, as amended by Amendment 1 to Amendment 1, by deleting Section 1 and Section 2.

AND FURTHER AMEND Amendment 1, as amended by Amendment 1 to Amendment 1, by renumbering Sections 3, 4, 5, 6, 7, 8 and 9 as Sections 1, 2, 3, 4, 5, 6 and 7, respectively.

AND FURTHER AMEND Amendment 1, as amended by Amendment 1 to Amendment 1, by renumbering Section 10 as Section 8 and by deleting the language "Sections 1, 2, and 3" in such section and substituting instead the following new language:

"Section 1"

Rep. Stulce moved to re-refer House Bill No. 1793 to the Calendar and Rules Committee.

Rep. Gunnels moved that the motion to re-refer House Bill No. 1793 to the Calendar and Rules Committee be tabled, which motion prevailed by the following vote:

Ayes .....	75
Noes .....	7
Present and not voting .....	1

Representatives voting aye were: Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Huskey, Jackson, Jones, S., Joyce, Kent, Kerr, Kisber, McAfee, McDaniel, McDonald, McKee, Miller, Newton, Odom, Patton, Peach, Phelan, Pinion, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Wood -- 75.

Representatives voting no were: Givens, Jones, R. (Shelby), Napier, Pruitt, Stulce, Turner (Hamilton), Winningham -- 7.

Representatives present and not voting were: Bragg -- 1.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Gunnels moved that **House Bill No. 1793**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	87
Noes .....	5
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Jones, S., Napier, Pruitt, Stulce, Turner (Hamilton) -- 5.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

**\*Senate Bill No. 869** -- County Officers - Makes temporary citizen commission of government officials compensation permanent; removes February 1, 1995 deadline for filing of commission's report and recommendations to general assembly. Amends TCA Title 5, Chapter 6; Titles 8, 18; Title 54, Chapter 7; Title 67, Chapter 1, Part 5. by \*Haun, \*Wallace, \*Crowe(HB1352 by \*Kisber).

Further consideration of Senate Bill No. 869, previously considered on today's Calendar.

Rep. Kisber moved that Senate Bill No. 869 be passed on third and final consideration.

Rep. Kerr moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Kisber moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 869 by deleting the following language from section 11, subsection (b):

" Beginning July 1, 1995"

and by substituting instead the following:

" Beginning July 1, 1996"

and further amend by deleting the following language in Section 11, subsection (d):

" Beginning July 1, 1996"

and substituting instead the following:

" Beginning July 1, 1997"

and further amend by deleting the effective date section and by substituting instead:

The provisions of this act shall take effect on July 1, 1996, the public welfare requiring it.

Rep. Kisber requested that Senate Bill No. 869 be moved to the heel of the Calendar, which motion prevailed.

#### SUPPLEMENTAL REGULAR CALENDAR

**House Bill No. 1334** -- Election Laws -- Permits local government employees to be political candidates for state or local office and to participate in political activities. by \*West(\*SB1166 By \*Haynes).

On motion, House Bill No. 1334 was made to conform with **Senate Bill No. 1166**; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 1166 be passed on third and final consideration.

Rep. Ford moved adoption of Amendment No. 1 as follows:

#### Amendment No. 1

AMEND Senate Bill No. 1166 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Notwithstanding any provision of law, private act or charter provision to the contrary, nothing shall prohibit a county commissioner, during the term of office as a commissioner, from seeking employment with or being employed by the state department of transportation if the functions exercised by a person employed in the position held or sought by such county commissioner do not involve activities related to loans or grants made by the United States or a Federal agency to the department of



transportation in accordance with the provisions of §5 USCA 1501(4)(A). The provisions of this section shall apply to a commissioner in office on or after August 1, 1994.

Rep. Haley moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes .....	44
Noes .....	32
Present and not voting .....	6

Representatives voting aye were: Arriola, Brown, Buck, Burchett, Callicott, Clabough, Cole (Dyer), Curtiss, Davidson, Duer, Eckles, Fitzhugh, Fowlkes, Gunnels, Haley, Hassell, Head, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, Miller, Napier, Newton, Phelan, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Sharp, Shirley, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Walley, White, Williams (Williamson), Mr. Speaker Naifeh -- 44.

Representatives voting no were: Armstrong, Beavers, Bird, Bowers, Boyer, Byrd, Cantrell, Cole (Carter), Davis, Dunn, Ford, Givens, Halteman Harwell, Herron, Hicks, Huskey, Jackson, Joyce, Kent, Odom, Patton, Peach, Phillips, Ramsey, Ritchie, Roach, Stamps, Tindell, Whitson, Williams (Union), Winningham, Wood -- 32.

Representatives present and not voting were: Bragg, Cross, Jones, U. (Shelby), Langster, West, Windle -- 6.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. West moved that **Senate Bill No. 1166** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	62
Noes .....	22
Present and not voting .....	4

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bragg, Brooks, Brown, Byrd, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, McAfee, McDonald, Miller, Napier, Newton, Odom, Peach, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Ritchie, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams (Williamson), Winningham, Mr. Speaker Naifeh -- 62.

Representatives voting no were: Beavers, Bittle, Bowers, Boyer, Buck, Burchett, Clabough, Coffey, Duer, Dunn, Haley, Kerr, McDaniel, Phelan, Ramsey, Rinks, Sharp, Walley, Westmoreland, Whitson, Williams (Union), Wood -- 22.

Representatives present and not voting were: Curtiss, Pruitt, Rhinehart, Windle -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on **Senate Bill No. 1166** and have this statement entered in the Journal: Rep(s). Walley.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1388** -- Housing -- Declares all housing projects property owned by corporate agent of housing authority deemed property of authority and subject to its control. Amends TCA 13-20-104. by \*Armstrong(SB1611 By\*Atchley).

On motion, House Bill No. 1388 was made to conform with **Senate Bill No. 1611**; the Senate Bill was substituted for the House Bill.

Rep. Armstrong moved that **Senate Bill No. 1611** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*Senate Bill No. 882** -- Fees -- Increases clerk's commission from 5 to 10 percent for clerks of various courts in Shelby County for performing various services; authorizes certain new fees for such clerks. Amends TCA 8-14-205; Title 8, Chapter 21; 36-3-604; 40-24-101; 40-3-206; 40-11-204; 40-14-202. by \*Ford J, \*Dixon(HB985 by \*DeBerry L, \*Kent).

Further consideration of **Senate Bill No. 882**, previously considered on May 17, 1995 and May 24, 1995, at which time the bill failed to receive a constitutional majority and was re-referred to the Calendar and Rules Committee.

Rep. DeBerry L requested that **Senate Bill No. 882** be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 905** -- Minority Affairs -- Creates commission for African American justice and equality. Amends TCA Title 4, Chapter 11. by \*Brooks, \*Turner (Shelby), \*Jones R (Shelby), \*Brown, \*Armstrong, \*DeBerry L, \*DeBerry J, \*Miller L, \*Jones U (Shelby), \*Towns, \*Langster, \*Pruitt(\*SB565 by \*Dixon).

Further consideration of House Bill No. 905, previously considered May 24, 1995, and reset to today's Calendar.

Rep. Brooks moved that **House Bill No. 905** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 712** -- Medicine, Practice of -- Excludes certain employment and contractual arrangements from the practice of medicine and the prohibition on unlawful division of fees; establishes certain ethical restrictions and requirements on corporate employers; authorizes board of medical examiners to undertake certain rules to ensure ethical practice of medicine. Amends TCA 63-6-204, 225; 68-11-205. by \*Arriola, \*Duer(\*SB1290 by \*Person, \*Cooper).

Further consideration of House Bill No. 712, previously considered on today's Calendar.

Rep. Arriola moved that House Bill No. 712 be passed on third and final consideration.

Rep. Bowers moved that Amendment No. 4 be considered after Amendment No. 5, which motion prevailed.

Rep. DeBerry L moved adoption of Amendment No. 5 as follows:

**Amendment No. 5**

AMEND House Bill No. 712 by adding the following new subpart (4) to subsection ( ) of Section 3 as amended by House Amendment No. 1:

(4) Notwithstanding the provisions of this subsection to the contrary, the general assembly finds that it is unreasonable per se to require a minority physician who practices in a county with a minority population in excess of twenty percent (20%) to move more than two (2)miles from such physician's primary practice site. Because such a requirement is also harmful to and willadversely affect the public interest and health, nothing in this subsection shall operate to require such a physician to move more than two (2) miles from the primary practice site.

Rep. Arriola moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes .....	52
Noes .....	35
Present and not voting .....	1

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Boyer, Burchett, Cantrell, Clabough, Cole (Carter), Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Ford, Givens, Gunnels, Haley,

Haltzman Harwell, Hassell, Head, Hicks, Huskey, Kent, Kerr, Lewis, McAfee, McDaniel, McDonald, McKee, Newton, Odom, Patton, Peach, Phillips, Rhinehart, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Venable, Whitson, Williams (Union), Windle, Winningham, Wood -- 52.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Callicott, Chumney, Coffey, Cole (Dyer), Cross, DeBerry, J., DeBerry, L., Fitzhugh, Fowlkes, Herron, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Langster, McMillan, Miller, Phelan, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Mr. Speaker Naifeh -- 35.

Representatives present and not voting were: Joyce -- 1.

Rep. Bowers moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 712 by deleting subsection ( ) (1) (A) of Section 3, as amended by House Amendment No. 1, and substituting instead the following:

(A) The maximum allowable area of the restriction is the lesser of:

(i) the county in which the primary practice site is located; or

(ii) a two mile radius from the primary practice site in any county having a population in excess of two hundred and fifty thousand (250,000) according to the 1990 federal census or any subsequent federal census or a ten mile radius from the primary practice site, and

Rep. Arriola moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes ..... 54  
Noes ..... 37

Representatives voting aye were: Arriola, Bell, Bird, Bittle, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, Duer, Dunn, Ford, Fowlkes, Givens, Gunnels, Haley, Haltzman Harwell, Hassell, Head, Hicks, Huskey, Jones, S., Kent, Kerr, Lewis, McAfee, McDaniel, McDonald, Newton, Odom, Patton, Peach, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Venable, Whitson, Williams (Union), Wood -- 54.

Representatives voting no were: Armstrong, Beavers, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Chumney, Cross, DeBerry, J., DeBerry, L., Fitzhugh, Herron, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kernell, Langster, McMillan, Miller, Phelan, Pruitt, Purcell, Ramsey, Shirley, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Windle, Winningham, Mr. Speaker Naifeh -- 37.

Rep. Herron moved that Amendment No. 6 be moved down two places.

Rep. Herron moved that Amendment No. 7 be moved down one place.

Rep. Herron moved adoption of Amendment No. 8 as follows:

**Amendment No. 8**

AMEND House Bill No. 712 by deleting the amendatory language of subsection ( ) (b) (3) of Section 1 and 3 as amended by House Amendment No. 1 and substituting instead the following:

the physician is obligated to disclose any such restrictions to each patient.

Rep. Arriola moved that Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes ..... 63  
Noes ..... 27  
Present and not voting ..... 1

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, S., Joyce, Kent, Kerr, Kisher, Lewis, McAfee, McDaniel, McDonald, McKee, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Rhinehart, Rigsby, Rinks, Ritchie, Sharp, Shirley, Stamps, Stulce, Tindell, Venable, Whitson, Williams (Union), Williams (Williamson), Windle, Wood -- 63.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Buck, Chumney, DeBerry, J., DeBerry, L., Fitzhugh, Herron, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Langster, McMillan, Miller, Peach, Pruitt, Ramsey, Roach, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White -- 27.

Representatives present and not voting were: Wingham -- 1.

Rep. Purcell moved that House Bill No. 712 be moved down on the Calendar and heard at 6:00 p.m., which motion prevailed.

**\*Senate Bill No. 779** -- Administrative Procedure -- Clarifies that when effectiveness of rules are suspended by action of general assembly, prior rules will remain in effect. Amends TCA Titles 2 -- 71. by \*Haynes(HB628 \*Kernell).

Further consideration of Senate Bill No. 779, previously considered on today's Calendar.

Rep. Kernell moved that Senate Bill No. 779 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 779 by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 4-5-215, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

(b) Prior to the effective date of a rule, the house or senate government operations committee may stay the running of the seventy-five day period required by § 4-5-207 for a period of time not to exceed sixty (60) days. Such stay shall become effective at such time as the committee files written notice with the secretary of state and shall specify the length of effectiveness of the stay. Prior to the expiration date of the stay such stay may be withdrawn by the committee. Withdrawal or expiration of the stay shall reactive the running of the balance of the seventy-five day period which remained upon the date the stay was filed.

On motion, Amendment No. 1 was adopted.

#### CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

#### REGULAR CALENDAR, CONTINUED

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 2 as follows:

##### Amendment No. 2

AMEND Senate Bill No. 779 by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 4-5-225(e)(5), is amended by deleting the language and punctuation " ; and" and by substituting instead the language and punctuation:

and shall include the need for a regulation where no regulation presently apply; and

On motion, Amendment No. 2 was adopted.

Rep. Kernell moved that **Senate Bill No. 779**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole

(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**House Bill No. 1625** -- Pari--mutuel Betting Authorizes county or municipality to call referendum to determine whether pari-mutuel betting wagering on horse racing will be permitted at satellite simulcast teletheaters located in such county or municipality. Amends TCA 4-36-103, 302, 303, 306(b)(2), (3), 401. by \*Jones R (Shelby), \*Jones U (Shelby), \*Miller L, \*Stamps, \*Kent, \*Davis, \*Huskey, \*DeBerry L, \*Turner (Shelby) (\*SB927 by \*Ford J).

Further consideration of House Bill No. 1625, previously considered on today's Calendar.

Rep. Jones R(Shelby) requested that House Bill No. 1625 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 341** -- Campaigns -- Requires disclosure of occupation and employer of campaign contributors. Amends TCA Title 2, Chapter 10, Part 1. by \*Kisber, \*Stamps(\*SB29 by \*Cohen).

Further consideration of House Bill No. 341, previously considered on today's Calendar.

Rep. Kisber requested that House Bill No. 341 be moved to the heel of the Message Calendar, which motion prevailed.

**House Bill No. 880** -- District Attorneys -- Authorizes additional criminal investigator for 8th judicial district. Amends TCA Title 16, Chapter 2, Part 5. by \*Winningham(\*SB1244 by \*O'Brien).

Further consideration of House Bill No. 880, previously considered on today's Calendar.

Rep. Winningham moved that **House Bill No. 880** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**Senate Bill No. 869** -- County Officers -- Makes temporary citizen commission of government officials compensation permanent; removes February 1, 1995 deadline for filing of commission's report and recommendations to general assembly. Amends TCA Title 5, Chapter 6; Titles 8, 18; Title 54, Chapter 7; Title 67, Chapter 1, Part 5. by \*Haun, \*Wallace, \*Crowe(HB1352 by \*Kisber).

Further consideration of Senate Bill No. 869, previously considered on today's Calendar.

Rep. Kisber moved that Senate Bill No. 869 be passed on third and final consideration.

Rep. Westmoreland moved the previous question, which motion was immediately withdrawn.

Rep. Kisber requested that Amendment No. 4 be moved to the heel of the Amendments, which motion prevailed.

Rep. Kisber moved adoption of Amendment No. 7, out of order, as follows:

**Amendment No. 7**

AMEND Senate Bill No. 869 by deleting the following language from Section 6(b), as passed and engrossed by the Senate:

" Beginning July 1, 1995"

and by substituting instead the following:

" Beginning July 1, 1996" .

AND FURTHER AMEND by deleting the following language in Section 6(e), as passed and engrossed by the Senate:

" Beginning July 1, 1996"

and by substituting instead the following:

" Beginning July 1, 1997" .

AND FURTHER AMEND by deleting the effective date section and by substituting instead:

The provisions of this act shall take effect on July 1, 1996, the public welfare requiring it.

Rep. Head moved the previous question on Amendment No. 7, which motion prevailed by the following vote:

Ayes .....	64
Noes .....	18

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Cantrell, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Fitzhugh, Ford, Givens, Halteman, Harwell, Hassell, Head, Herron, Huskey, Jackson, Joyce, Kent, Kernell, Kisber, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Patton, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rinks, Sharp, Stamps, Stulce, Tindell, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 64.



Representatives voting no were: Bell, Bowers, Chumney, Clabough, DeBerry, L., Fowlkes, Gunnels, Haley, Hicks, Jones, S., Jones, U. (Shelby), Kerr, Langster, McKee, Odom, Towns, Turner (Hamilton), Turner (Shelby) -- 18.

On motion, Amendment No. 7 was adopted.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

Rep. Kisber moved adoption of Amendment No. 5 as follows:

**Amendment No. 5**

AMEND Senate Bill No. 869 by adding the following to Section 11, subsection (d):

Provided however, in any county having a population of greater than 500,000, the increase in salary effective July 1, 1995 shall be limited to \$2,000 and the annual increase provided by this subsection each subsequent July 1st shall be one-half the increase certified by the commissioner of finance and administration to the comptroller as the increase received by state employees.

Rep. McKee moved the previous question on Amendment No. 5, which motion prevailed.

On motion, Amendment No. 5 was adopted.

Rep. Jones U(Shelby) moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Bill No. 869 by deleting from Section 12, as added by Senate Amendment #2, subsections (b), (c), (d), (d), (e), (f), (g) and (h) and by substituting instead the following:

(b) Beginning July 1, 1995, and each July 1 thereafter, county officers shall receive a salary increase equal to the percentage increase in salary received by members of the Tennessee General Assembly during the preceding fiscal year.

Rep. Kisber moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes ..... 56  
Noes ..... 34  
Present and not voting ..... 1

Representatives voting aye were: Armstrong, Beavers, Bittle, Boyer, Bragg, Burchett, Byrd, Callicott, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, Duer, Eckles,

Fitzhugh, Givens, Hassell, Head, Herron, Hicks, Huskey, Jackson, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Patton, Phelan, Phillips, Purcell, Rhinehart, Ridgeway, Roach, Sharp, Stamps, Tindell, Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Wood, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Arriola, Bell, Bird, Bowers, Brooks, Brown, Buck, Cantrell, DeBerry, J., Dunn, Ford, Gunnels, Haley, Haltzman Harwell, Jones, S., Jones, U. (Shelby), Joyce, Miller, Odom, Peach, Pinion, Pruitt, Ramsey, Rigsby, Rinks, Ritchie, Shirley, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Westmoreland, Windle, Winningham -- 34.

Representatives present and not voting were: Newton -- 1.

Rep. Kisber moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Head moved adoption of Amendment No. 8 as follows:

**Amendment No. 8**

AMEND Senate Bill No. 869 by deleting the following figures from the table contained in Section 6(b), as passed and engrossed by the Senate:

100,000 to 249,999	57,500	63,250	66,413
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and by substituting instead the following:

100,000 to 249,999	54,500	59,950
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62,947

Rep. Westmoreland moved to amend Amendment No. 8 as follows:

**Amendment No. 1 to Amendment No. 8**

AMEND Senate Bill No. 869 the provisions of this amendment shall not apply to any county having a population of not less than 143,900 nor more than 144,000 according to the 1990 federal census or any subsequent federal census.

Rep. Kisber moved that Amendment No. 1 to Amendment No. 8 be tabled, which motion was immediately withdrawn.

Rep. Kisber moved the previous question on Amendment No. 1 to Amendment No. 8, which motion prevailed.

On motion, Amendment No. 1 to Amendment No. 8 was adopted.

Rep. Kisber moved that Amendment No. 8, as amended, be tabled which motion failed by the following vote:

Ayes .....	38
Noes .....	39
Present and not voting .....	1

Representatives voting aye were: Bell, Bird, Boyer, Brown, Burchett, Cantrell, Clabough, Cole (Carter), Cross, Davis, Ford,

Gunnels, Halteman Harwell, Hassell, Hicks, Huskey, Jackson, Jones, S., Kent, Kernell, Kerr, Kisber, McDaniel, McDonald, Napier, Odom, Patton, Phelan, Phillips, Rhinehart, Roach, Shirley, Stamps, Tindell, West, Whitson, Wood, Mr. Speaker Naifeh -- 38.

Representatives voting no were: Armstrong, Arriola, Beavers, Bowers, Buck, Chumney, Coffey, Curtiss, Davidson, DeBerry, L., Duer, Eckles, Fitzhugh, Givens, Hargrove, Head, Jones, U. (Shelby), Joyce, McAfee, McKee, McMillan, Miller, Peach, Pinion, Ramsey, Ridgeway, Rigsby, Rinks, Sharp, Stulce, Towns, Turner (Hamilton), Turner (Shelby), Venable, Westmoreland, White, Williams (Union), Williams (Williamson), Windle -- 39.

Representatives present and not voting were: Bragg -- 1.

Having received objection to the question on Amendment No. 8, Mr. Speaker Naifeh called for a vote on the previous question, which motion prevailed by the following vote:

Ayes .....	56
Noes .....	22
Present and not voting .....	5

Representatives voting aye were: Arriola, Beavers, Bell, Boyer, Buck, Chumney, Coffey, Cole (Dyer), Cross, Davidson, Davis, DeBerry, L., Eckles, Ford, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, S., Kisber, Lewis, McAfee, McKee, McMillan, Miller, Napier, Newton, Phelan, Phillips, Pinion, Ramsey, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, Westmoreland, White, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Burchett, Byrd, Cantrell, Clabough, Cole (Carter), Curtiss, Duer, Fitzhugh, Herron, Joyce, Kent, Kerr, McDaniel, McDonald, Odom, Peach, Rhinehart, Ridgeway, Stamps, Turner (Shelby), West, Whitson -- 22.

Representatives present and not voting were: Armstrong, Bragg, Brooks, Brown, Patton -- 5.

Rep. Head moved that Amendment No. 8, as amended, be adopted which motion prevailed by the following vote:

Ayes .....	49
Noes .....	25
Present and not voting .....	9

Representatives voting aye were: Bell, Bowers, Boyer, Buck, Callicott, Chumney, Coffey, Cole (Dyer), Curtiss, Davidson, DeBerry, J., DeBerry, L., Eckles, Fitzhugh, Fowlkes, Givens, Haley, Hargrove, Head, Herron, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kerr, McAfee, McKee, McMillan, Miller, Phelan, Pinion, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Stulce, Tindell, Towns, Turner (Hamilton), West, Westmoreland, White, Williams (Williamson), Wood -- 49.

Representatives voting no were: Armstrong, Arriola, Burchett, Byrd, Cantrell, Clabough, Cole (Carter), Cross, Duer, Gunnels,

Halteman Harwell, Hassell, Hicks, Kisber, McDaniel, McDonald, Newton, Odom, Peach, Phillips, Rhinehart, Shirley, Stamps, Turner (Shelby), Winningham -- 25.

Representatives present and not voting were: Beavers, Bragg, Brooks, Brown, Langster, Patton, Venable, Walley, Williams (Union) -- 9.

On motion, Amendment No. 8, as amended, was adopted.

Rep. Rhinehart moved the previous question on Senate Bill No. 869, which motion prevailed by the following vote:

Ayes .....	73
Noes .....	17
Present and not voting .....	1

Representatives voting aye were: Arriola, Bell, Bird, Bittle, Boyer, Brooks, Buck, Byrd, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Kent, Kerr, Kisber, Lewis, McAfee, McDaniel, McKee, McMillan, Miller, Napier, Newton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Sharp, Shirley, Stulce, Towns, Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Armstrong, Beavers, Bragg, Brown, Burchett, Coffey, Curtiss, Fitzhugh, Joyce, McDonald, Odom, Patton, Ritchie, Stamps, Tindell, Turner (Hamilton), West -- 17.

Representatives present and not voting were: Kernell -- 1.

Rep. Kisber moved that **Senate Bill No. 869**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	59
Noes .....	37

Representatives voting aye were: Armstrong, Bittle, Boyer, Bragg, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Head, Herron, Hicks, Huskey, Jackson, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Phelan, Phillips, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Stamps, Stulce, Turner (Hamilton), Venable, West, Westmoreland, White, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 59.

Representatives voting no were: Arriola, Beavers, Bell, Bird, Bowers, Brooks, Brown, Buck, Burchett, Byrd, Chumney, DeBerry, L., Dunn, Halteman Harwell, Hargrove, Hassell, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, McAfee, Miller, Odom, Peach, Pinion, Pruitt, Ritchie, Sharp, Shirley, Tindell, Towns, Turner (Shelby), Walley, Williams (Union), Windle, Winningham, Wood -- 37.

A motion to reconsider was tabled.

**REMARKS**

Rep. Buck requested that the following remarks be spread upon the Journal:

I regret that I cannot support SB 869/HB 1352. I do not object to a pay raise at the commencement of the term of office. I do not support the proposition of increasing the pay during the term of office. Many public officials salary cannot be increased during the term of office because it is prohibited by the constitution. Every public official knew what the office paid when they ran for the office. This bill would increase the pay automatically if state employees got a raise. In future years many pay increases would occur during the term of office and I simply cannot support this proposition.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1625** -- Pari-mutuel Betting Authorizes county or municipality to call referendum to determine whether pari-mutuel betting wagering on horse racing will be permitted at satellite simulcast teletheaters located in such county or municipality. Amends TCA 4-36-103, 302, 303, 306(b)(2), (3), 401. by \*Jones R (Shelby), \*Jones U (Shelby), \*Miller L, \*Stamps, \*Kent, \*Davis, \*Huskey, \*DeBerry L, \*Turner (Shelby) (\*SB927 \*Ford J).

Further consideration of House Bill No. 1625, previously considered on today's Calendar.

Rep. Jone R(Shelby) requested that House Bill No. 1625 be moved to the heel of the Message Calendar, which motion prevailed.

**\*Senate Bill No. 882** -- Fees -- Increases clerk's commission from 5 to 10 percent for clerks of various courts in Shelby County for performing various services; authorizes certain new fees for such clerks. Amends TCA 8-14-205; Title 8, Chapter 21; 36-3-604; 40-24-101; 40-3-206; 40-11-204; 40-14-202. by \*Ford J, \*Dixon(HB985 \*DeBerry L, \*Kent).

Further consideration of Senate Bill No. 882, previously considered on today's Calendar.

Rep. DeBerry L moved that Senate Bill No. 882 be passed on third and final consideration.

Rep. Walley moved the previous question, which motion prevailed.

Rep. DeBerry L moved that **Senate Bill No. 882** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	66
Noes .....	18
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Burchett, Byrd, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Ford, Givens, Gunnels, Haley, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Tindell, Towns, Venable, Walley, Westmoreland, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 66.

Representatives voting no were: Beavers, Buck, Callicott, Cross, Fowlkes, Herron, Peach, Phillips, Ridgeway, Sharp, Shirley, Stulce, Turner (Shelby), White, Williams (Union), Windle, Winningham, Wood -- 18.

Representatives present and not voting were: Halteman Harwell, Turner (Hamilton), West -- 3.

A motion to reconsider was tabled.

#### SUPPLEMENTAL MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE AMENDMENT

**\*House Bill No. 1213** -- Insurance, Health, Accident -- Mandates insurance coverage for high dose chemotherapy in cases of breast cancer, multiple myeloma, and ovarian cancer, if deemed appropriate by attending physician. Amends TCA Titles 56, 68, 71. by \*Jackson, \*Chumney, \*Hassell, \*Lewis, \*Rigsby, \*Hargrove(SB1523 by \*O'Brien, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack and \*Wright).

#### Senate Amendment No. 4

AMEND House Bill No. 1213 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 68-11-106, is amended by adding the following new subsection:

( ) A hospital with not more than forty-two (42) licensed beds located in a county with a population of not more than ten thousand (10,000), according to the 1990 federal census or any subsequent federal census, upon filing with the commission a statement of intent to provide home health services, may provide such home health services in the county where such hospital is located and each contiguous county having a population of less than twenty thousand (20,000), according to the 1990 federal census or any subsequent federal census without obtaining a certificate of need. A hospital shall provide written notice of

its intent to provide such home health service to  
the commission on forms provided by the commission,  
simultaneously with the hospital's request to the board for  
licensing health care facilities.

Rep. Jackson moved that the House non-concur in Senate  
Amendment(s) No(s). 4 to **House Bill No. 1213**, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENT

**\*Senate Bill No. 1340** -- -- Repeals parental notification;  
revives and reenacts parental consent to perform abortion on minor.  
Amends TCA 37-10-303; 39-15-202. by \*Burks, \*Fowler, \*Rice, \*Miller  
J, \*Leatherwood, \*Holcomb, \*Henry, \*Person(HB729 \*Jackson, \*McDaniel,  
\*Wood, \*McAfee, \*Duer, \*Peach, \*Byrd, \*Callicott, \*Burchett, \*Newton,  
\*Joyce, \*Stamps, \*Walley, \*Shirley, \*Haley, \*Ramsey, \*Dunn, \*Boyer,  
\*Beavers, \*Roach, \*Odom, \*Herron , \*Ford S).

Rep. Jackson requested that Senate Bill No. 1340 be moved down  
three places on the Message Calendar, which motion prevailed.

#### MOTION TO RECONSIDER

Rep. Herron moved to lift from the table the motion to reconsider  
Senate Bill No. 1404, which motion prevailed.

**Senate Bill No. 1404** -- University of Tennessee -- Adds UT  
Board of Trustees institution faculty member to board of trustees for  
three year term; rotates representation through system. Amends TCA  
Title 49, Chapter 9, Part 2. by \*Gilbert, \*Hamilton, \*Wallace,  
\*Crowe, \*Crutchfield, \*Rochelle, \*Womack, \*Springer, \*Holcomb, \*Rice,  
\*Person, \*Miller J, \*Cohen(\*HB599 by \*Herron, \*Pinion, \*Armstrong,  
\*Ritchie, \*Tindell).

Rep. Herron moved to reconsider action in passing Senate Bill No.  
1404, which motion prevailed.

On motion, the House reconsidered its action in adopting  
Amendment No. 3.

Rep. Herron moved that Amendment No. 3 be withdrawn, which motion  
prevailed.

Rep. Herron moved adoption of Amendment No. 4 as follows:

#### Amendment No. 4

AMEND Senate Bill No. 1404 by deleting the amendatory  
language of Section 2 of the bill as amended, and substituting  
instead the following:

(a)(8) One (1) additional member shall be the faculty  
senate president or the equivalent who served in such  
capacity at a University of Tennessee institution during  
the academic year preceding appointment as a trustee.

Faculty members shall be appointed for terms of one (1) year,  
beginning with the past resident of the faculty senate at the  
University of Tennessee - Knoxville, and rotating through

the University of Tennessee - Martin, the University of  
Tennessee - Chattanooga, and the University of Tennessee  
Center for Health Sciences at Memphis. Each term shall begin  
July 1 and conclude the following June 30.

On motion, Amendment No. 4 was adopted.

Rep. Herron moved that **Senate Bill No. 1404** be passed on third  
and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers,  
Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,  
Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole  
(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,  
DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Givens, Gunnels,  
Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks,  
Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby),  
Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel,  
McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Phelan,  
Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks,  
Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner  
(Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland,  
White, Whitson, Williams (Union), Williams (Williamson), Windle,  
Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

#### HOUSE ACTION SENATE MESSAGE

**\*House Bill No. 90** -- Lobbying, Lobbyists -- Enacts "Lobbying  
Reform Act of 1995." Amends TCA Title 3, Chapter 6. by \*Kisber,  
\*Byrd, \*Rinks, \*Hargrove, \*Naifeh, \*DeBerry L, \*Ridgeway, \*Cole  
(Dyer), \*Lewis, \*Pinion, \*West, \*Turner (Hamilton), \*Bell, \*McDonald,  
\*White, \*Fitzhugh, \*Purcell, \*Brown, \*Herron, \*McMillan, \*Chumney,  
\*Haley, \*Ford S, \*Cantrell, \*Bittle, \*Stamps, \*Halteman Harwell,  
\*Williams (Union), \*McDaniel, \*Ramsey, \*Whitson, \*Beavers, \*Burchett,  
\*Jones, S., \*Tindell, \*Bragg, \*Cross, \*Winningham, \*Cole (Carter),  
\*Kent, \*Fowlkes, \*Eckles, \*Curtiss, \*Odom, \*Callicott, \*Stulce, \*Duer,  
\*McAfee, \*Boyer, \*Wood, \*Jackson, \*Armstrong, \*Brooks, \*Walley,  
\*Ritchie, \*Patton(SB80 \*Cooper, \*Cohen, \*Springer, \*O'Brien, \*Kyle,  
\*Haynes).

Further consideration of House Bill No. 90, previously considered  
on today's Message Calendar.

On motion, House Bill No. 90 was held on the Clerk's desk to be  
heard at the Call of Rep. Kisber, which motion prevailed.

#### MOTION TO RECONSIDER

Further consideration of Senate Bill No. 1340, previously  
considered on today's Message Calendar.

Rep. Jackson moved to lift from the table the motion to  
reconsider action in passing Senate Bill No. 1340, which motion  
prevailed.



**\*Senate Bill No. 1340** -- -- Repeals parental notification; revives and reenacts parental consent to perform abortion on minor. Amends TCA 37-10-303; 39-15-202. by \*Burks, \*Fowler, \*Rice, \*Miller J, \*Leatherwood, \*Holcomb, \*Henry, \*Person(HB1729 by \*Jackson, \*McDaniel, \*Wood, \*McAfee, \*Duer, \*Peach, \*Byrd, \*Callicott, \*Burchett, \*Newton, \*Joyce, \*Stamps, \*Walley, \*Shirley, \*Haley, \*Ramsey, \*Dunn, \*Boyer, \*Beavers, \*Roach, \*Odom, \*Herron, \*Ford S).

Rep. Jackson moved to reconsider action in passing Senate Bill No. 1340, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1.

Rep. Jackson moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Jackson moved adoption of Amendment No. 4.

**Amendment No. 4**

AMEND Senate Bill No. 1340 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. The general assembly with the enactment of this act intends to revive and place in full effect the provisions of Tennessee Code Annotated, Sections 37-10-301 through 37-10-307, which requires parental consent to perform an abortion on a minor.

Section 2. Notwithstanding any provision of law to the contrary, Tennessee Code Annotated, Sections 37-10-301 through 37-10-307, are explicitly revived and reenacted.

Section 3. Tennessee Code Annotated, Section 37-10-303, is amended by deleting the section in its entirety and by substituting instead the following:

(a) No person shall perform an abortion on an unemancipated minor unless such person or such person's agent first obtains the written consent of one (1) parent or the legal guardian of the minor.

The consent shall be signed.

(b) If neither a parent nor a legal guardian is available to the person performing the abortion or such person's agent, or the party from whom consent must be obtained pursuant to this section refuses to consent to the performance of an abortion, or the minor elects not to seek consent of the parent or legal guardian whose consent is required, then the minor may petition, on her own behalf, or by next friend, the juvenile court of any county of this state for a waiver of the consent requirement of this section, pursuant to the procedures of Section 37-10-304.

(c) If a criminal charge of incest is pending against a parent of such minor pursuant to Tennessee

Code Annotated, Section 39-15- 302, the written consent of such parent, as provided for in subsection (a), is not required.

Section 4. Tennessee Code Annotated, Section 39-15-202(f), is amended by deleting the subsection in its entirety.

Section 5. This act shall take effect July 1, 1995, the public welfare requiring it.

Rep. Jackson requested that Senate Bill No. 1340 be moved down three spaces on the Calendar, which motion prevailed.

**\*House Bill No. 554 -- Smoking -- Enacts "Children's Act for Clean Indoor Air" regulating smoking of tobacco in public places children frequent. by \*Halteman Harwell, \*Coffey, \*Haley, \*Kernell, \*Byrd, \*Cross, \*Ridgeway, \*Williams (Union), \*Beavers, \*Stamps(SB590 by \*Henry, \*Cohen, \*McNally).**

Further consideration of House Bill No. 554, previously considered on today's Calendar.

Rep. Head requested that House Bill No. 554 be moved to the heel of the Calendar, which motion prevailed.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 341 -- Campaigns -- Requires disclosure of occupation and employer of campaign contributors. Amends TCA Title 2, Chapter 10, Part 1. by \*Kisber, \*Stamps(\*SB29 by \*Cohen).**

Further consideration of House Bill No. 341, previously considered on today's Calendar.

On motion, House Bill No. 341 was held on the Clerk's desk to be heard at the Call of Rep. Kisber, which motion prevailed.

**House Bill No. 1625 -- Pari--mutuel Betting Authorizes county or municipality to call referendum to determine whether pari-mutuel betting wagering on horse racing will be permitted at satellite simulcast teletheaters located in such county or municipality. Amends TCA 4-36-103, 302, 303, 306(b)(2), (3), 401. by \*Jones R (Shelby), \*Jones U (Shelby), \*Miller L, \*Stamps, \*Kent, \*Davis, \*Huskey, \*DeBerry L, \*Turner (Shelby) (\*SB927 by \*Ford J).**

Further consideration of House Bill No. 1625, previously considered on today's Calendar.

#### CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

#### REGULAR CALENDAR, CONTINUED

Rep. Jone R.(Shelby) moved that House Bill No. 1625 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1625 by deleting from Section 1 the following directory and amendatory language:

Tennessee Code Annotated, Section 4-36-103, is amended by deleting the definitions " (1) 'Association'" and " (5) 'Municipality'" in their entirety and by substituting instead the following:

(1) " Association" means, as the context requires, any person applying to the Tennessee state racing commission for a license to conduct a race meeting or any person licensed by the commission to engage in the conduct of a race meeting.

(5) " Municipality" means any incorporated municipality.

and by substituting instead the following directory and amendatory language:

Tennessee Code Annotated, Section 4-36-103, is amended by deleting the definition " (1) 'Association'" in its entirety and by substituting instead the following:

(1) " Association" means, as the context requires, any person applying to the Tennessee state racing commission for a license to conduct a race meeting or any person licensed by the commission to engage in the conduct of a race meeting.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1625 by adding at the end of Section 1 the following new paragraph:

Tennessee Code Annotated, Section 4-36-103, is further amended by deleting subdivision (15) and substituting instead the following:

(15) " Simulcast race" means according to the context, either the broadcast from an association of a live race, simultaneously with its running, or the receipt by an association of a broadcast of a race conducted at a track in the United States, simultaneously with its running; and.

On motion, House Amendment No. 2 was adopted

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3.

Rep. Tindell moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 1625 by deleting the language " twenty-one (21)" from Section 3, as introduced, and by substituting instead the language " thirty-four (34)" .

On motion, Amendment No. 4 was adopted.

Rep. Jones R.(Shelby) moved adoption of Amendment No. 5 as follows:

**Amendment No. 5**

AMEND House Bill No. 1625 by inserting into Section 5 of the bill in the amendatory language of subsections (b)(3)(A) and (b)(3)(B) between the words " law enforcement" and " and education" the following language:

problem and , rehabilitation referral services or programs for compulsive gamblers,

On motion, Amendment No. 5 was adopted.

On motion, House Bill No. 1625 was held on the Clerk's desk to be heard at the Call of Rep. Jones R(Shelby), which motion prevailed.

**SUPPLEMENTAL MESSAGE CALENDAR, CONTINUED**

**\*Senate Bill No. 1340** -- -- Repeals parental notification; revives and reenacts parental consent to perform abortion on minor. Amends TCA 37-10-303; 39-15-202. by \*Burks, \*Fowler, \*Rice, \*Miller J, \*Leatherwood, \*Holcomb, \*Henry, \*Person(HB1729 by \*Jackson, \*McDaniel, \*Wood, \*McAfee, \*Duer, \*Peach, \*Byrd, \*Callicott, \*Burchett, \*Newton, \*Joyce, \*Stamps, \*Walley, \*Shirley, \*Haley, \*Ramsey, \*Dunn, \*Boyer, \*Beavers, \*Roach, \*Odom, \*Herron , \*Ford S).

Further consideration of Senate Bill No. 1340, previously considered on today's Message Calendar.

Rep. Jackson moved that Senate Bill No. 1340 be passed on third and final consideration.

Rep. Jackson renewed his motion to adopt Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 1340 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. The general assembly with the enactment of this act intends to revive and place in full effect the provisions of Tennessee Code Annotated, Sections 37-10-301 through 37-10-307, which requires parental consent to perform an abortion on a minor.

Section 2. Notwithstanding any provision of law to the contrary, Tennessee Code Annotated, Sections 37-10-301 through 37-10-307, are explicitly revived and reenacted.

Section 3. Tennessee Code Annotated, Section 37-10-303, is amended by deleting the section in its entirety and by substituting instead the following:

(a) No person shall perform an abortion on an unemancipated minor unless such person or such person's agent first obtains the written consent of one (1) parent or the legal guardian of the minor. The consent shall be signed.

(b) If neither a parent nor a legal guardian is available to the person performing the abortion or such person's agent, or the party from whom consent must be obtained pursuant to this section refuses to consent to the performance of an abortion, or the minor elects not to seek consent of the parent or legal guardian whose consent is required, then the minor may petition, on her own behalf, or by next friend, the juvenile court of any county of this state for a waiver of the consent requirement of this section, pursuant to the procedures of Section 37-10-304.

(c) If a criminal charge of incest is pending against a parent of such minor pursuant to Tennessee Code Annotated, Section 39-15-302, the written consent of such parent, as provided for in subsection (a), is not required.

Section 4. Tennessee Code Annotated, Section 39-15-202(f), is amended by deleting the subsection in its entirety.

Section 5. This act shall take effect July 1, 1995, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. Walley moved the previous question on Senate Bill No. 1340, which motion prevailed.

Rep. Jackson moved that **Senate Bill No. 1340**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter),

Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 554** -- Smoking -- Enacts "Children's Act for Clean Indoor Air" regulating smoking of tobacco in public places children frequent. by \*Halteman Harwell, \*Coffey, \*Haley, \*Kernell, \*Byrd, \*Cross, \*Ridgeway, \*Williams (Union), \*Beavers, \*Stamps(SB590 by \*Henry, \*Cohen, \*McNally).

Further consideration of House Bill No. 554, previously considered on today's Calendar.

On motion, House Bill No. 554 was held on the Clerk's desk to be heard at the Call of Rep. Halteman Harwell, which motion prevailed.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**SUPPLEMENTAL CONSENT CALENDAR**

The following resolutions not previously introduced were & placed on the consent calendar.

**House Joint Resolution No. 307** -- Naming and Designating -- "Volunteer 200 Day," June 1, 1995. by \*Fowlkes, \*Davidson, \*Williams (Union), \*McDonald, \*Stamps, \*Coffey, \*Lewis, \*Hassell, \*Callicott, \*Williams (Williamson), \*Head, \*Hargrove, \*Windle, \*Arriola, \*Rinks, \*Odom, \*Kernell, \*McKee.

**House Joint Resolution No. 362** -- Naming and Designating -- "Management Week," June 4-10, 1995. by \*Lewis.

**\*House Joint Resolution No. 321** -- Highway Signs -- "Dr. Glenn C. Shultz Memorial Bridge," State Highway 52, Cosby. by \*Davis, \*McAfee, \*McDaniel.

**House Joint Resolution No. 365** -- Memorials, Professional Achievement -- Harriet Semmes Alexander, 1995 Frances Neel Cheney Award by \*Kernell.

**House Joint Resolution No. 366** -- Memorials, Sports--1994-1995 Tennessee State University women's basketball team. by \*Langster.

**Senate Joint Resolution No. 270** -- Memorials, Interns -- James Randolph Schmidt. by \*Kyle.

THURSDAY, MAY 25, 1995 -- FORTY-FIFTH LEGISLATIVE DAY

Senate Joint Resolution No. 271 -- Memorials, Retirement --  
Beverly Ann Durham. by \*Womack.

Senate Joint Resolution No. 272 -- Memorials, Interns --  
Rebecca Kimbrell. by \*Wilder.

Senate Joint Resolution No. 273 -- Memorials, Interns -- Curtis  
G. Troutt. by \*O'Brien.

Senate Joint Resolution No. 274 -- Memorials, Public Service --  
Roy O. Vaughn, Sr. by \*Crutchfield.

Senate Joint Resolution No. 275 -- Memorials, Interns -- April  
Weekley. by \*Haun.

Senate Joint Resolution No. 276 -- Memorials, Public Service --  
Margaret Ruth Blackshear. by \*Crutchfield.

Senate Joint Resolution No. 277 -- Memorials, Professional  
Achievement -- Metropolitan Nashville Police Department, accreditation  
from Commission on Accreditation for Law Enforcement Agencies. by  
\*Haynes.

Senate Joint Resolution No. 278 -- Memorials, Retirement --  
Mary Elliott, Director of the Donelson Station Senior Citizen Center.  
by \*Haynes.

Senate Joint Resolution No. 279 -- Memorials, Public Service --  
Gordon L. Davenport, UTC Alumni Council 1995 Outstanding Service  
Award. by \*Crutchfield.

\*Senate Joint Resolution No. 253 -- Highway Signs -- "Joseph G.  
Taylor Highway," S.R. 76 from Brownsville to I40. by \*Wilder.

Senate Joint Resolution No. 280 -- Memorials, Personal Occasion  
-- Don and Bessie McCracken Leonard, 50th wedding anniversary. by  
\*Crowe.

Senate Joint Resolution No. 281 -- Memorials, Professional  
Achievement -- Rogersville Review. by \*Wallace.

Senate Joint Resolution No. 282 -- Memorials, Interns -- Barry  
Jackson. by \*Cohen.

Senate Joint Resolution No. 254 -- Naming and Designating --  
"Tennessee National Guard Week, " July 4, 1995. by \*Rochelle,  
\*McNally, \*Rice, \*O'Brien.

Senate Joint Resolution No. 283 -- Memorials, Interns -- Sondra  
Keys. by \*Cohen.

House Resolution No. 146 -- Memorials, Retirement--Sgt. Wayne  
Steele. by \*Williams (Union).

House Resolution No. 147 -- Memorials, Retirement--Collins  
O'Brien. by \*Stamps.

House Joint Resolution No. 367 -- Memorials, Recognition and  
Thanks--Walter Lambert. by \*Davidson.

House Resolution No. 148 -- Memorials, Retirement--Eula Stockard. by \*Stamps.

House Resolution No. 149 -- Memorials, Retirement--Peggy Greer. by \*Stamps.

House Resolution No. 150 -- Memorials, Death--Gordon Moffett. by \*Winningham.

House Joint Resolution No. 368 -- Memorials, Recognition and Thanks-- Michael Osborne. by \*Kernell.

House Resolution No. 151 -- Memorials, Retirement--Marian Albright Peete by \*Jones U (Shelby), \*Hassell, \*Towns, \*Miller L, \*DeBerry J, \*Jones R (Shelby), \*Brooks, \*DeBerry L, \*Bowers.

\*House Joint Resolution No. 349 -- General Assembly, Statement of Intent or Position -- Endorses AMVETS proposal to erect memorials to veterans at Welcome Centers throughout state; urges departments of tourist development and transportation to approve plan and cooperate in completion. by \*Venable, \*Westmoreland, \*Ramsey.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**ENGROSSED BILLS**  
**May 25, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 363.

BETTY KAY FRANCIS, Chief Engrossing Clerk.



**MESSAGE FROM SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 631, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1820.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 358, 359, 360, 361 and 364; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1784.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 4, withdrew Amendment No. 4 then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1940 and 1943; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 134.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 4.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**  
**May 25, 1995**

THURSDAY, MAY 25, 1995 -- FORTY-FIFTH LEGISLATIVE DAY

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1774.  
BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1918; passed by the Senate.

CLYDE W. MCCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 1918** -- Hamilton County -- Subject to local approval, enacts Restaurant Revenue Act. by \*Crutchfield.

**MESSAGE CALENDAR, CONTINUED**

**NOTICE TO ACT ON SENATE MESSAGE**

**\*Senate Bill No. 1820** -- Appropriations - Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1995. by \*Henry, \*McNally, \*Atchley, \*Elsea, \*Wilder, \*Crutchfield(HB1843 by \*Bittle, \*Bragg, \*Davis, \*McDaniel, \*Kisber, \*Head, \*Walley, \*Kent, \*Cole (Carter), \*Wood, \*Gunnels, \*Rhinehart, \*Williams (Union), \*Whitson, \*Coffey, \*Ford S, \*Sharp, \*Venable, \*Davidson, \*DeBerry L, \*Jones U (Shelby), \*Turner (Shelby), \*Jones R (Shelby), \*Miller L, \*Boyer, \*Cantrell, \*Rinks, \*Westmoreland, \*Callicott, \*McAfee, \*Ramsey, \*McKee, \*Kerr, \*Dunn, \*Newton, \*Huskey, \*Winningham, \*Haley, \*Cole (Dyer), \*Langster).

**CONFERENCE COMMITTEE REPORT**  
**ON SENATE BILL NO. 1820**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 1820 (House Bill No. 1843) has met and recommends the following amendments be adopted: House Amendment No. 1 and House Amendment No. 1 to House Amendment No. 1; and recommends that the following amendments be deleted: House Amendment No. 3, Senate Amendment No. 1 and Senate Amendment No. 7.

The Committee further recommends that the following amendments be adopted:

AMEND Senate Bill 1820 by adding the following new item at the end of Section 10:

Item \_\_\_\_\_. The Tennessee department of transportation is urged to give priority to undertaking long-range road and transportation infrastructure planning for the foothills area adjacent to the Smokey Mountains National Park to alleviate existing and future traffic congestion. This study should be give consideration to the likely development of additional tourist related attractions in the area and the need for efficient access to and from existing high traffic density area.

by adding the following new item at the end of Section 36:

Item \_\_\_\_\_. Funds appropriated to the Memphis Area Neighborhood Development Corporation and funds appropriated to the Thirty-third Senatorial District Neighborhood Development are hereby reappropriated to the Pyramid Recovery Center.

by deleting the following item from Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of four hundred thousands dollars (\$400,000) to the Tennessee arts commission for the sole purpose of making a grant in such amount to the Chucalissa Museum, to be used for renovation, restoration, repair, construction, equipment, utility relocation, parking lot improvements and soil erosion control projects.

by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred thousand dollars (\$300,000) to the University of Memphis for the sole purpose of renovation, restoration, repair, construction, equipment, utility relocation, parking lot improvements and soil erosion control projects at Chucalissa Museum.

by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. There is appropriated the sum of five hundred fifty thousand dollars (\$550,000) to the state building commission to be allocated as follows:

Completion of uncompleted projects  
\$300,000

Completion of preplanning and site preparation  
for Roane State Community College projects  
\$250,000

by adding the following language to Section 12:

Item \_\_\_\_\_. It is recognized by the General Assembly that capital project needs of various levels of urgency exist at all public institutions of higher education in Tennessee. It is further recognized that faith in the impartiality and objectivity of the capital projects evaluation and ranking process is key to the General Assembly's ability to feel confident in making decisions regarding allocation of scarce state resources to fund higher education capital projects needs. Finally, it is recognized that faith in this ranking process enhances the General Assembly's ability to defend its capital projects decisions which are based on the recommendations resulting from the capital projects evaluation and ranking process.

The General Assembly further recognizes that in the instance of the proposed Oak Ridge campus of Roane State Community College, that the

raising of substantial local and private funds in the community adversely affected the priority ranking of this project by the state board of regents, and that such discouragement of local initiative is contradictory to good public policy and community involvement in higher education.

To address these issues, the Speaker of the Senate and the Speaker of the House of Representatives are requested to appoint a special joint review committee of an equal number of members from each house to conduct an intensive study of the process and criteria used by the State Board of Regents, the University of Tennessee System, and the Tennessee Higher Education Commission to evaluate and prioritize the capital projects needs of institutions of public higher education institutions in Tennessee. The Speakers may jointly appoint such ex-officio members to serve on the committee as they deem appropriate. In performing this study, the Committee may call upon such staff as may be required. The Committee is authorized to conduct such on-site inspections and hearings as it deems necessary and proper. Not later than October 15, 1995, the Committee shall report its findings and recommendation regarding such capital ranking criteria and process to the Speakers, the President of the University of Tennessee System, the chancellor of the State Board of Regents and the executive director of the Tennessee Higher Education Commission.

Senator Douglas Henry	Representative
John T. Bragg	
Senator Randy McNally	Representative
Matthew Kisber	
Senator Robert Rochelle	Representative
Tommy Head	
Senator Ben Atchley	Representative
Lois DeBerry	
Senator Ward Crutchfield	Representative
Bill Purcell	
Senator Gene Elsea	Representative
H. E. Bittle	
Senator John Ford	Representative
Shelby A. Rhinehart	
Senator Milton H. Hamilton, Jr.	Representative
Ralph Cole	

Rep. Bittle moved that the Report of the Conference Committee on **Senate Bill No. 1820** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce,

Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Brooks, Odom, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1844** -- Bond Issues - Authorizes \$140,800,000 bond issue to fund state projects. by \*Bittle, \*Bragg, \*Davis, \*McDaniel, \*Kisber, \*Head, \*Walley, \*Armstrong, \*Kent, \*Cole (Carter), \*Wood, \*Rhinehart, \*Whitson, \*Davidson, \*Coffey, \*Ford S., \*Sharp, \*Williams (Union), \*Venable, \*DeBerry L., \*Turner (Shelby), \*Jones U (Shelby), \*Jones R (Shelby), \*Miller L, \*Westmoreland, \*Callicott, \*Roach, \*Duer, \*Dunn, \*Newton, \*Huskey, \*Winningham, \*Haley, \*Rinks(\*SB1821 by \*Henry, \*McNally, \*Atchley, \*Elsea, \*Wilder}.

On motion, House Bill No. 1844 was made to conform with **Senate Bill No. 1821**; the Senate Bill was substituted for the House Bill.

Rep. Bittle moved that **Senate Bill No. 1821** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 245** -- Bond Issues - Authorizes issuance of \$100 million bond issue for general government purposes. by \*Odom, \*Bragg, \*Halteman Harwell(\*SB1102 by \*Crutchfield).

Further consideration of House Bill No. 245, previously considered on today's Calendar.

On motion, House Bill No. 245 was made to conform with **Senate Bill No. 1102**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 1102 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Bragg moved that **Senate Bill No. 1102** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigdaway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 6** -- Bond Issues - Authorizes state to issue bonds of \$54 million for area vocational technical schools under board of regents supervision. by \*Bragg, \*Byrd(SB47 by \*Womack).

Further consideration of House Bill No. 6, previously considered on today's Calendar.

Rep. Bragg moved that **House Bill No. 6** be re-referred to the Finance, Ways and Means Committee, which motion prevailed.

**House Bill No. 712** -- Medicine, Practice of - Excludes certain employment and contractual arrangements from the practice of medicine and the prohibition on unlawful division of fees; establishes certain ethical restrictions and requirements on corporate employers; authorizes board of medical examiners to undertake certain rules to ensure ethical practice of medicine. Amends TCA 63-6-204, 225; 68-11-205. by \*Arriola, \*Duer(\*SB1290 by \*Person, \*Cooper).

Further consideration of House Bill No. 712, previously considered on today's Calendar.

Rep. Arriola moved that House Bill No. 712 be passed on third and final consideration.

Rep. Herron requested that Amendment No. 7 be moved to the heel of the Amendments, which motion prevailed.

Rep. Herron requested that Amendment No. 6 be moved to the heel of the Amendments, which motion prevailed.

Rep. DeBerry J moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. DeBerry L moved adoption of Amendment No. 10 as follows:

**Amendment No. 10**

AMEND House Bill No. 712 by adding the following new subpart (4) to subsection ( ) of Section 3 as amended by House Amendment No. 1:

(4) Notwithstanding the provisions of this subsection to the contrary, the general assembly finds that it is unreasonable per se to require a racial minority physician who practices in a county with a racial minority population in excess of twenty percent (20%) to move more than two (2) miles from such physician's primary practice site. Because such a requirement is also harmful to and will adversely affect the public interest and health, nothing in this subsection shall operate to require such a physician to move more than two (2) miles from the primary practice site.

Rep. Arriola moved to amend Amendment No. 10 as follows:

**Amendment No. 1 to Amendment No. 10**

AMEND House Bill No. 712 by deleting the words, figures and symbols " in excess of twenty percent (20%) " and by substituting instead the following:

in excess of twenty percent (20%), according to the 1990 federal census or any subsequent federal census,

Rep. Jackson moved that Amendment No. 1 to Amendment No. 10 be tabled, which motion was immediately withdrawn.

Rep. Arriola moved that Amendment No. 1 to Amendment No. 10 be withdrawn, which motion prevailed.

On motion, Amendment No. 10 was adopted.

Rep. Herron requested that Amendment No. 7 be moved to the heel of the Amendments, which motion prevailed.

Rep. Herron moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Arriola requested that House Bill No. 712 be moved down five places on the Calendar, which motion prevailed.

**HOUSE BILL RETURNED**

THURSDAY, MAY 25, 1995 -- FORTY-FIFTH LEGISLATIVE DAY

The Clerk returned House Bill No. 631 to the Senate, as requested.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1491; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1002.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 2, withdrew Amendment No. 2, adopted Amendment No. 5, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1815.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 488.

The Senate concurred in House Amendment(s) No(s). 1, and nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1220.

The Senate concurred in House Amendment(s) No(s). 1, and nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**  
**May 25, 1995**



THURSDAY, MAY 25, 1995 -- FORTY-FIFTH LEGISLATIVE DAY

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 915 and 1750.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill No. 631.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 2, withdrew Amendment No. 2, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1690.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 3, withdrew Amendment No. 3, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1390.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 3, withdrew Amendment No. 3, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill No. 832.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 18, 162, 1538, 1766, 1767, 1775, 1791 and 1810; all substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

May 25, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 132; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

May 25, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1380; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

May 25, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 43; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 43 --** General Assembly, Studies -- Creates special joint committee to study the procurement of professional architectural and engineering services by counties, cities, metropolitan governments, towns, and utility districts . by \*Crowe, \*Rice.

**ENGROSSED BILLS**

May 25, 1995

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1793.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

May 25, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 35, 50, 117, 385, 735, 830 and 1478; all substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

May 25, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 125; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

May 25, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 137; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1048; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 41, 44, 172, 210, 223, 248, 281, 301 and 329; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 806; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 806 -- Aged Persons -- Enacts "Tennessee Senior Citizens Pet Ownership Act". Amends TCA Title 13. by \*Henry.**

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 134 -- Malpractice, Professional - Enacts "Therapist Sexual Misconduct Victims Compensation Act." Amends TCA Title 29. by \*Herron(SB406 by \*Cohen, \*Jordan).**

Further consideration of House Bill No. 134, previously considered on today's Message Calendar.

Rep. Herron requested that House Bill No. 134 be moved down five places on the Message Calendar, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 1002 -- Education -- Allows home school parent to submit notice of intent to conduct home school to superintendent after August 1, upon payment of \$20.00 penalty for each or part thereof by which notice is late. Amends TCA 49-6-3050. by \*Stulce(\*SB1320 by \*Cohen).**

**Senate Amendment No. 5**

AMEND House Bill No. 1002 by adding the following language at the end of the amendatory language of Section 1:

provided, however, that the superintendent or the superintendent's designee shall insure that attendance teachers are informed of parents' rights to conduct a

home school pursuant to TCA 49-6-3001(c)(4), 49-6-3050(a), and 49-50-801 upon employment of such persons and at the beginning of each school year.

Rep. Stulce moved that the House concur in Senate Amendment(s) No(s). 5 to **House Bill No. 1002**, which motion prevailed by the following vote:

Ayes ..... 90  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Turner (Hamilton) -- 1.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENT

**House Bill No. 1380** -- Education -- Restricts policy of state in education of handicapped children to comply with federal law requirements. Amends TCA 49-10-101. by \*Davis, \*Huskey, \*Roach(\*SB1582 by \*Haun).

#### Senate Amendment No. 4

AMEND House Bill No. 1380 by deleting the language "handicapped children" from the language added by Amendment #3 and substituting instead the language "disabled children".

Rep. Davis moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 1380**, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Phelan,

Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**NOTICE TO ACT ON SENATE MESSAGE**

**\*House Bill No. 125** -- DUI/DWI Offenses -- Creates presumption that after person's second or subsequent DUI such person should be ordered to only operate motor vehicle equipped with ignition interlock device. Amends TCA Title 55, Chapter 10, Part 4. by \*Herron, \*Givens, \*Ford S, \*Tindell, \*Williams (Union), \*Roach, \*Curtiss, \*McDonald, \*Lewis, \*Eckles, \*Halteman Harwell, \*Beavers, \*West, \*McDaniel, \*Ridgeway, \*Pinion, \*Walley, \*Fitzhugh, \*Miller L, \*DeBerry J, \*Shirley, \*Haley, \*Hassell, \*Byrd (SB369 by \*Cohen, \*Wallace).

Rep. Herron requested that House Bill No. 125 be moved down five places on the Calendar, which motion prevailed.

**MOTION TO RECONSIDER**

Rep. West moved to lift from the table the motion to reconsider Senate Bill No. 1220, which motion prevailed.

**\*Senate Bill No. 1220** -- Railroads -- Creates Tennessee Railroad Passenger Commission to promote passenger rail service in Tennessee. Amends TCA Title 4. by \*Harper, \*Crowe (HB777 by \*West, \*Ramsey, \*Westmoreland, \*Venable, \*Sharp).

Rep. West moved to reconsider action in passing Senate Bill No. 1220, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 2.

Rep. West moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. West moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 1220 by deleting in Section 2 of the printed bill the language "public service commission" and by substituting instead the language "department of transportation".

On motion, Amendment No. 3 was adopted.

Rep. West moved that **Senate Bill No. 1220**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 712** -- Medicine, Practice of - Excludes certain employment and contractual arrangements from the practice of medicine and the prohibition on unlawful division of fees; establishes certain ethical restrictions and requirements on corporate employers; authorizes board of medical examiners to undertake certain rules to ensure ethical practice of medicine. Amends TCA 63-6-204, 225; 68-11-205. by \*Arriola, \*Duer(\*SB1290 by \*Person, \*Cooper).

Rep. Arriola moved that House Bill No. 712 be passed on third and final consideration.

Rep. Herron moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Herron moved adoption of Amendment No. 11 as follows:

**Amendment No. 11**

AMEND House Bill No. 712 in the first unnumbered subsection of Sections 1 and 3, as amended, by deleting item b(3) and substituting in lieu thereof the following:

(3) the employing entity discloses any such restrictions to the patient.

AND FURTHER AMEND by adding the following new unnumbered subsection to Section 3, as amended:

( ) Employing entities shall not restrict or interfere with patient referral decisions in a manner that unnecessarily increases the cost to the patient of the medical services provided.

On motion, Amendment No. 11 was adopted by the following vote:

Ayes ..... 85  
Noes ..... 1  
Present and not voting ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 85.

Representatives voting no were: Odom -- 1.

Representatives present and not voting were: Haley -- 1.

Rep. Rhinehart moved the previous question on House Bill No. 712, which motion prevailed.

Rep. Herron moved that **House Bill No. 712**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 83  
Noes ..... 9  
Present and not voting ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Bowers, Brooks, Buck, DeBerry, L., Jones, R. (Shelby), Miller, Peach, Turner (Shelby), Westmoreland - - 9.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE MESSAGE

\***House Bill No. 134** -- Malpractice, Professional - Enacts "Therapist Sexual Misconduct Victims Compensation Act." Amends TCA Title 29. by \*Herron.

Further consideration of House Bill No. 134, previously considered on today's Message Calendar.

Rep. Herron moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 4 to **House Bill No. 134**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 134**

Pursuant to **Rule No. 73**, Representative Herron moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 134, which motion prevailed.

The Speaker appointed Representatives Herron, McMillan and Roach as the House members of the Conference Committee on House Bill No. 134.

**HOUSE ACTION ON SENATE AMENDMENT**

**\*House Bill No. 125 -- DUI/DWI Offenses --** Creates presumption that after person's second or subsequent DUI such person should be ordered to only operate motor vehicle equipped with ignition interlock device. Amends TCA Title 55, Chapter 10, Part 4. by \*Herron, \*Givens, \*Ford S, \*Tindell, \*Williams (Union), \*Roach, \*Curtiss, \*McDonald, \*Lewis, \*Eckles, \*Halteman Harwell, \*Beavers, \*West, \*McDaniel, \*Ridgeway, \*Pinion, \*Walley, \*Fitzhugh, \*Miller L, \*DeBerry J, \*Shirley, \*Haley, \*Hassell, \*Byrd(SB369 by \*Cohen, \*Wallace).

**Senate Amendment No. 4**

AMEND House Bill No.125 by deleting the second and third sentences of the amendatory language of SECTION 1 and by substituting instead the following:

The court may require that the offender's motor vehicle be equipped with such device:

(A) For all or a portion of the time the driver's license of such offender is suspended or restricted pursuant to Section 55-10-403;

(B) Only after such offender's driver's license is no longer suspended or restricted pursuant to Section 55-10-403; or

(C) A combination of subparts (A) and (B).

Rep. Herron moved that the House nonconcur in Senate Amendment(s) No(s). 4 to **House Bill No. 125**, which motion prevailed.

**Senate Amendment No. 3**

AMEND House Bill No. 125 by adding after Section 1 the following appropriately numbered new section and renumbering the subsequent sections accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 55-10-412(e)(6), is amended by adding the following language after the current existing language:



Such fees related to the ignition interlock that are paid by the offender shall be applied as a credit to any fines assessed against the offender as a result of a conviction for the violation of Sections 55-10-401 through 55-10-404, inclusive, which resulted in the order for the ignition interlock device.

Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 125**, which motion prevailed by the following vote:

Ayes ..... 91  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

#### MOTION TO RECONSIDER

Rep. Kernell moved to lift from the table the motion to reconsider Senate Bill No. 488, which motion prevailed.

**Senate Bill No. 488** -- Sunset Laws -- Board for licensing health care facilities, June 30, 1996. Amends TCA Title 4, Chapter 29; Title 68, Chapter 11. by \*Haynes.

Rep. Kernell moved to reconsider action in passing Senate Bill No. 488, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 2.

Rep. Kernell moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kernell moved that **Senate Bill No. 488** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer,

Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

#### RULES SUSPENDED

Rep. Bowers moved that the rules be suspended for the purpose of introducing House Resolution No. 152 out of order, which motion prevailed.

**House Resolution No. 152** -- Memorials, Recognition and Thanks - Representative Carol Chumney. by \*Bowers.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Bowers, with the request that all members voting aye be added as sponsors, **House Resolution No. 152** was adopted by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

#### SUPPLEMENTAL MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE AMENDMENTS

\***House Bill No. 90** -- Lobbying, Lobbyists - Enacts "Lobbying Reform Act of 1995." Amends TCA Title 3, Chapter 6. by \*Kisber, \*Byrd, \*Rinks, \*Hargrove, \*Naifeh, \*DeBerry L, \*Ridgeway, \*Cole (Dyer), \*Lewis, \*Pinion, \*West, \*Turner (Hamilton), \*Bell, \*McDonald, \*White, \*Fitzhugh, \*Purcell, \*Brown, \*Herron, \*McMillan, \*Chumney,

\*Haley, \*Ford S, \*Cantrell, \*Bittle, \*Stamps, \*Halteman Harwell, \*Williams (Union), \*McDaniel, \*Ramsey, \*Whitson, \*Beavers, \*Burchett, \*Jones, S., \*Tindell, \*Bragg, \*Cross, \*Winningham, \*Cole (Carter), \*Kent, \*Fowlkes, \*Eckles, \*Curtiss, \*Odom, \*Callicott, \*Stulce, \*Duer, \*McAfee, \*Boyer, \*Wood, \*Jackson, \*Armstrong, \*Brooks, \*Walley, \*Ritchie, \*Patton(SB80 by \*Cooper, \*Cohen, \*Springer, \*O'Brien, \*Kyle, \*Haynes).

**Senate Amendment No. 17**

AMEND House Bill No. 90 by deleting the language of Senate amendments 13 and 10.

Rep. Kisber moved that the House nonconcur in Senate Amendment(s) No(s). 17 to **House Bill No. 90**, which motion prevailed.

**Senate Amendment No. 6**

AMEND House Bill No. 90 by deleting Section 12 in its entirety and renumbering the subsequent sections accordingly.

**Senate Amendment No. 9**

AMEND House Bill No. 90 by deleting the phrase " a committee of either or both houses of the general assembly or a delegation in the general assembly from two (2) or more senatorial districts" in new Section ( ) (a) (9) in Section 3 and substituting in lieu thereof the words " a standing or statutory committee of either or both houses of the general assembly, or a delegation in the general assembly consisting of all members whose legislative districts are within or a part of one (1) or more counties" .

**Senate Amendment No. 1 to Senate Amendment No. 9**

AMEND House Bill No. 90 by deleting " or a delegation in the General Assembly consisting of all members whose legislative districts are within or a part of one (1) or more counties" and substituting in lieu thereof " or one or more county delegations in the General Assembly" .

Rep. Kisber moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 6 and 9, as amended, to **House Bill No. 90**, which motion prevailed.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 89:** Rep(s). Coffey as prime sponsor(s).

**House Bill No. 567:** Rep(s). Fowlkes as prime sponsor(s).

**COMMUNICATION**

TO: Speaker Jimmy Naifeh

THURSDAY, MAY 25, 1995 -- FORTY-FIFTH LEGISLATIVE DAY

FROM: Representative Brenda Turner

DATE: May 25, 1995

Mr. Speaker, it is my request that the following remarks be spread upon the Journal.

There was an attempt this year by Representative Tommie Brown and Senator Ward Crutchfield to introduce and pass legislation dealing with a local issue, 1% meal tax, to be approved by the county commission.

All members of the Hamilton County Delegation were not in agreement for their particular reasons, therefore, the consent forms required by the house rules were not signed by all to bring the bill to the floor for discussion and amendments.

On Tuesday of this week, I presented the attached amendment for discussion among our delegation. As of this date and hour 1:35 p.m., no agreement has been reached by this delegation on this issue.

Respectfully,

Brenda Turner  
29th District

AMENDMENT TO HOUSE BILL NO. 1936/ SENATE BILL NO. 1918

AMEND House Bill No. 1936 by deleting Section 9 and substituting instead the following:

Section\_\_\_\_. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Hamilton County. If the legislative body of Hamilton County has taken no action on this act by September 1, 1995, the county election commission of Hamilton County shall call an election to held not less than fifty-five (55) days, nor more than sixty-five (65) days from the date of the call. The ballots used in the election shall have printed on them the substance of this act and voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The cost of election shall be paid by Hamilton County.

MESSAGE FROM THE SENATE

May 25, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 747 and 793; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 220, 227, 232 and 242; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 220 --** General Assembly, Studies - Creates special joint committee on science and technology utilization for economic development. by \*McNally, \*Henry, \*Leatherwood.

**\*Senate Joint Resolution No. 227 --** Highway Signs - "John A. Jones Memorial Bridge," I-840, Stones River. by \*Womack.

**\*Senate Joint Resolution No. 232 --** General Assembly, Studies - Creates special joint committee to study liability and compensation resulting from pursuit of certain persons by law enforcement officers. by \*Fowler.

**\*Senate Joint Resolution No. 242 --** General Assembly, Studies - Establishes joint study committee to examine DUI legislation. by \*Haun, \*Harper.

**ENGROSSED BILLS**  
**May 25, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 307, 321, 362, 365, 366, 367 and 368.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 90, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 581; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 363; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

THURSDAY, MAY 25, 1995 -- FORTY-FIFTH LEGISLATIVE DAY

**MESSAGE FROM THE SENATE**  
**May 25, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 590; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 590** -- Smoking -- Enacts "Children's Act for Clean Indoor Air." by \*Henry, \*McNally, \*Cohen.

**ENGROSSED BILLS**  
**May 25, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 712.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**May 25, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 349.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**RECESS MOTION**

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Friday, May 26, 1995.